



CALIFORNIA CODE OF REGULATIONS
TITLE 14, DIVISION 1
SUBDIVISION 4, OFFICE OF SPILL PREVENTION AND RESPONSE
CHAPTER 3. OIL SPILL PREVENTION AND RESPONSE PLANNING
SUBCHAPTER 3. OIL SPILL CONTINGENCY PLANS
SECTIONS 815.01 - 820.01

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815.03 PURPOSE AND SCOPE

This subchapter sets forth planning requirements for oil spill prevention and response for vessels and marine facilities in California. The planning requirements specify that the owner/operator of a vessel or marine facility must own or have contracted for resources sufficient to respond to all spills up to the reasonable worst case spill (RWC). For the purpose of meeting the regulatory requirements herein, contracts for booming, on-water recovery and storage, and shoreline protection services can only be made with OSRO's Rated by the Office of Spill Prevention and Response. For other required services (e.g., shoreline clean-up, waste management, spill response management, etc.) contracts

with non-rated OSRO's may be used. The regulations provide a method for calculating the amount of equipment necessary and provide response planning standards for the volumes of oil that each vessel and marine facility could expect to discharge under various scenarios. The planning volumes so calculated will dictate the amount of equipment and personnel that the owner/operators must have available at the time of a spill. This equipment must either be "non-cascadable" in the area where the marine facility is located, or the vessel normally transits, or must be "cascadable" to the region within the mandated time frames.

The equipment that the owner/operators have available must also be applicable to the areas of intended use. This subchapter requires that trajectory analyses be conducted to determine the probable areas of the coastline that could be impacted by a spill. Based on these trajectories the owner/operators will be able to ascertain the type of equipment that must be available, such as shallow-water skimmers, as well as the appropriate response strategies necessary to protect and clean up the shoreline types that could be affected. For vessels, the trajectories established for the scenarios from the appropriate Area Contingency Plans (ACP) may be used for this purpose.

The information required by these regulations must be submitted to the Office of Spill Prevention and Response (OSPR), and maintained by the owner/operator, in separate volumes. A principal volume will be compiled to contain all the required information, calculations, studies, maps and related data. A separate volume will be set up as a response manual and will contain only the information that response personnel will need at the time of a spill to facilitate the immediate notification and response actions that are mandated.

To the greatest extent possible, California has endeavored to be consistent with the scope and intent of the Federal oil spill response regulations. Allowance has been made to accept response plans prepared for the Coast Guard, or other appropriate agencies, in lieu of the contingency plans required by state regulations. Any additional information required by this subchapter can be submitted simply as an addendum to the plans prepared for other agencies. Information developed to demonstrate compliance with other applicable Federal, State, and International (e.g., International Maritime Organization, etc.) requirements may be used to demonstrate compliance with all or part of this subchapter.

In addition, the Area Contingency Plans (ACP) completed by the Coast Guard, State Agencies, and Local Governments, with public participation, as required by the Oil Pollution Act of 1990 (33 USC 2701, et seq.), shall be used as guidelines for determining whether the individual contingency plans provide for the best achievable protection. Some of the documentation from the Area Contingency Plans may be used by the plan holder in lieu of developing comparable documentation of their own for their individual contingency plans.

Note: Authority cited: Sections 8670.28 and 8670.29, Government Code. Reference: Sections 8670.3, 8670.4, 8670.28 and 8670.29, Government Code.

815.05 DEFINITIONS

In addition to the definitions in Chapter 1, Section 790 of this subdivision, the following definitions shall govern the construction of this subchapter. Where similar terms are defined, the following will supersede the definition in Chapter 1:

- (a) "Area Exercise" means an exercise of the Area Contingency Plan and selected oil spill contingency plans through the combination of tabletop and equipment deployment exercises in accordance with the National Preparedness for Response Exercise Program.

(b) "Contract or Other Approved Means":

(1) includes either of the following:

- (A) A written, signed contract, or written certification of active membership, between a plan holder and an Oil Spill Response Organization(s) (OSRO) Rated by OSPR (as specified in Section 819 of this subchapter) or a contract with a nonprofit maritime association (pursuant to CCR Section 826.01(a)(1)(B)) that utilizes Rated OSRO's for the Rating levels and services required. This contract shall identify and ensure the availability of the required personnel and equipment capable of responding to an oil spill within the stipulated response times and in the specified Geographic Regions in which the vessel or marine facility operates; or
- (B) Written certification that the necessary personnel and equipment are owned or operated by the plan holder and are available within the stipulated response times and in the specified Geographic Regions;

(2) The owner/operator shall notify the Administrator within five days of a change in contracted resources/membership in a local or regional OSRO.

(3) A contract between a plan holder and an OSRO shall not contain a provision requiring the plan holder to notify the OSRO in advance, in order to guarantee response services for two hours and beyond (as specified in Section 819.04(b)(2)) of this subchapter.

- (c) "Dedicated Response Resources" means equipment and personnel committed solely to oil spill response, containment, and cleanup that are not used for any other activity that would adversely affect the ability of that equipment and personnel to provide oil spill response services in the time frames for which the equipment and personnel are Rated. Ratings of six hours or earlier require either dedicated response resources or OSRO owned and controlled response resources, as specified in Section 819.04(b)(2) of this subchapter.
- (d) "Equipment Deployment Exercise" means an exercise of oil spill response equipment identified in an oil spill contingency plan through its actual deployment and operation as it would be used in spill response efforts in an environment of similar water depth, current velocity, tidal range, and substrate to the environment where the equipment may need to be used in an actual oil spill response.
- (e) "Full Scale Combination Exercise" means an exercise of an oil spill contingency plan involving both the spill management response efforts and the actual deployment and operation of oil spill response equipment as it would be used in spill response efforts at a specific site.
- (f) "Implementation of the Plan" means that all essential provisions have been taken to enable the plan or any portion of the plan to become operational.
- (g) "Internal Unannounced Exercise" means an exercise of an oil spill contingency plan organized by an owner/operator or oil spill response organization and initiated so exercise participants have no prior knowledge of the exercise.
- (h) "Letter of Approval" means a written document issued by the Office of Spill Prevention and Response to the plan

holder following verification, inspection and if required by the Administrator, satisfactory performance in an announced and unannounced drill, and final review of the plan holder's contingency plan.

- (i) "Marine Waters", for this subchapter, means those California marine waters subject to tidal influence including all waterways used for waterborne commercial vessel traffic to the Port of Stockton and the Port of Sacramento.
- (j) "Non-Dedicated Response Resources" means those response resources listed by an OSRO for oil spill response activities that are not dedicated response resources.
- (k) "OSRO-owned and controlled resources" means equipment owned by the OSRO and personnel who are employed directly by the OSRO.
- (l) "OSRO Rating Letter" (ORL) means a written document issued by the Office of Spill Prevention and Response to an OSRO following verification, inspection and unless exempted by the Administrator, satisfactory performance in an announced and unannounced drill, and final review of the OSRO's application.
- (m) "Plan Holder" means the owner/operator of a tank vessel, nontank vessel, marine facility, small marine fueling facility, or vessel carrying oil as secondary cargo responsible for the development, submittal, update, maintenance of, and compliance with the oil spill contingency plan required under this subchapter.
- (n) "Plan Recipient" means a receiving agency and any other entity who has been designated in this subchapter to receive a copy of the vessel or marine facility oil spill contingency plan.
- (o) "Shallow-Draft Vessel" means:
 - (1) for purposes of boom deployment, a vessel that must be able to operate in water depths of two feet or less;
 - (2) for purposes of skimming operations, a vessel and attendant skimming system that must be able to operate in water depths of three feet or less.
- (p) "Spill Management Team" means the personnel identified in an oil spill contingency plan to staff the organizational structure that will manage response implementation and is able to fully integrate into an Incident Command/Unified Command structure, as required by the National Contingency Plan and the State Marine Oil Spill Contingency Plan.
- (q) "Systems Approach" means an assessment of the infrastructure and the support resources that an OSRO must have to mobilize, transport, deploy, sustain, and support the equipment resources necessary for the level of response for which Rated.
- (r) "Tabletop Exercise" means an exercise of an oil spill contingency plan and the spill management response efforts without the deployment of response equipment. A tabletop exercise usually involves the enactment of a response to a simulated spill.
- (s) "Unannounced Drill" means an exercise of an oil spill contingency plan or an OSRO application initiated by OSPR without prior notice to the plan holder or oil spill response organization.

- (n) "Tabletop Exercise" means an exercise of an oil spill contingency plan and the spill management response efforts without the deployment of response equipment. A tabletop exercise usually involves the enactment of a response to a simulated spill.

Note: Authority cited: Section 8670.28, Government Code. Reference: Sections 8670.3 and 8670.28, Government Code.

815.07 GENERAL REQUIREMENTS

- (a) Plan holders shall only contract with an OSRO(s) that has received a Rating by OSPR (as specified in Section 819 of this subchapter) for the booming, on-water recovery and storage, and shoreline protection services required. An OSRO's existing Letter of Approval issued from the Administrator shall remain valid unless revoked and shall be deemed to meet the requirements of this subchapter for three years from the date of the letter's issuance or until January 1, 2003, whichever date occurs later.
- (b) No person shall load oil onto, nor unload oil from a vessel unless the following conditions are met prior to transfer operations:
- (1) after initial submittal but prior to approval of the contingency plan, the vessel owner/operator must provide the owner/operator of the marine terminal with a copy of the letter acknowledging the receipt of the vessel's oil spill contingency plan by the Administrator, if the terminal owner/operator does not already have such a letter on file;
 - (2) after approval of the initial submittal of the contingency plan, the owner/operator of the vessel must provide the owner/operator of the marine terminal with a copy of the letter approving the current oil spill contingency plan for that vessel if the terminal owner/operator does not already have such a letter on file;
 - (3) the vessel owner/operator must notify the terminal owner/operator of any change in the approval status not reflected by the letter on file at that terminal; and
 - (4) the owner/operator of the vessel must certify that a complete copy of the response manual for that vessel is on board the vessel.
- (c) Responsibility for initial notification of a spill that occurs during transfer operations will be determined as part of the pre-transfer agreement made between the vessel and the facility. This agreement should specify who will be responsible for notification of the appropriate state and federal agencies. After an initial notification is complete, the responsible party shall activate its oil spill contingency plan as necessary to effect response and clean-up procedures. If the responsible party can not be immediately identified, the pre-transfer agreement should specify which party will activate their oil spill response plan until a responsible party can be determined by the State Incident Commander or the Federal On-Scene Coordinator through the Unified Command.
- (d) Each plan shall provide for the best achievable protection of coastal and marine resources and shall ensure that all areas addressed by the plan are at all times protected by prevention, response, containment and clean-up equipment and operations.
- (e) Each plan shall be consistent with the State Marine Oil Spill Contingency Plan and not in conflict with the National Oil & Hazardous Substances Pollution Contingency Plan, or the applicable Federal Area Contingency

Plans.

- (f) Nothing in these regulations shall, in any manner or respect, impair or limit the authority of the California Coastal Commission to review federal activities, federal development projects, or federally-permitted or licensed activities, as authorized pursuant to the Coastal Zone Management Act of 1972 (16 U.S.C., Section 1451 et seq.). Nor shall these regulations impair or limit the authority of the California Coastal Commission to ensure such activities or projects are performed in a manner that is consistent, to the extent required by applicable law, with the enforceable policies of the California Coastal Management Program.
- (g) All plans must be written in English, and for vessel plans, if applicable, the response manual portion shall also be in a language that is understood by the crew members responsible for carrying out the plan.

Note: Authority cited: Sections 8670.28, 8670.29 and 8670.30, Government Code. Reference: Sections 8670.28, 8670.29 and 8670.30, Government Code.

816 PLAN SUBMITTAL, REVIEW AND APPROVAL

816.01 PLAN SUBMITTAL

(a) Plans

Unless otherwise exempt, each owner/operator of a vessel or marine facility shall prepare and submit an oil spill contingency plan for that vessel or facility. The plan may be specific to an individual facility or vessel or may be composed as follows:

(1) Marine Facility Blanket Plans:

- (A) Blanket contingency plans may be submitted for marine facilities that are substantially similar to one another based on the criteria in this subsection. The owner/operator must request approval for the use of a blanket plan prior to submitting the plan to the Administrator. The request must include a justification for the use of a blanket plan based on the criteria outlined in this subsection.
- (B) The Administrator shall determine whether a blanket plan is appropriate for any given group of marine facilities. In order to utilize a blanket plan, each marine facility covered by the blanket must demonstrate the following:
1. each facility must be substantially similar in layout and design, or must be an integral part of another facility, such as the pipeline connecting a platform to a shoreside facility;
 2. each facility must handle the same products;
 3. the Risk and Hazard Analysis for each facility must show substantially similar risks of a spill, and similar sites of potential leakage or spills;
 4. the response equipment and personnel must be able to respond to any and all of the covered marine facilities in the same or essentially the same amount of time;
 5. any spill from any of the marine facilities must pose similar risks in the same or essentially the same geographical region, including risks to the same environmentally sensitive areas; and

6. The prevention measures as specified in Subsections 817.02.(c) or 817.03(c) must be substantially the same for each facility.

(C) A separate appendix for each marine facility covered by the Blanket Plan must be included as an attachment to the plan.

(2) Vessel Fleet Plans

Fleet contingency plans may be submitted by an owner/operator that has a number of vessels that transit the same or substantially the same routes in California marine waters.

(A) All prevention and response elements required pursuant to Sections 818.02 or 818.03 must be the same for the vessels included in the Fleet Plan.

(B) A separate appendix for each vessel covered by the Fleet Plan must be included as an attachment to the plan.

(3) Substitute Plans

(A) Plans of other Federal and State Agencies

Any plan, or appropriate section thereof, submitted to the Federal Environmental Protection Agency, the Minerals Management Service, the Coast Guard, the Department of Transportation - Research and Special Programs Administration, the California State Lands Commission, the California Coastal Commission, other states, or other appropriate agencies may be submitted in substitution for all or part of the plan required under this section. This substitution may include documents submitted in compliance with the International Safety Management (ISM) Code. Any information required by this subchapter that is not included in the substitute plan must be submitted as an appendix to that plan. The Administrator will determine if the use of a substitute plan is appropriate prior to final plan approval.

(B) Regional Response Plans

1. An oil spill contingency plan for a specific geographic region may be prepared and submitted for use by the marine facilities or vessels in that region. Such a plan must specify which of the required elements in Sections 817.02 or 817.03 for facilities, or Sections 818.02 or 818.03 for vessels will be included in the regional plan.
2. A marine facility or vessel owner/operator within the geographic region covered by the regional plan may contract for use of that plan in substitution for all or part of the contingency plan required by this subchapter. Any additional requirements not included in the regional plan must be submitted as an appendix to the regional plan.
3. The Administrator shall determine when all or part of a regional plan is appropriate for a given area. The plan holder must request approval from the Administrator before submitting a regional contingency plan.
4. Absent such an approved regional response plan, the applicable ACP may be used for this purpose.

(C) Rated OSROs:

An OSRO Rating Letter will be issued for the equipment, personnel, and services which may be provided to the owner/operator of a marine facility or tank vessel or nontank vessel. A copy of the Rating letter may be

submitted in substitution for all or part of the response elements required under Sections 817.02, 817.03, 818.02 or 818.03.

1. An OSRO Rating does not guarantee the performance of an OSRO, nor does the use of an OSPR-Rated OSRO in a contingency plan relieve the plan holders of their ultimate statutory and regulatory responsibility to ensure the adequacy of the spill response resources identified in their contingency plan.

(b) Timeframes:

- (1) Plans shall be submitted to the Administrator by April 1, 1994.
- (2) Any marine facility that first begins operating after the due date for initial plan submittal shall submit a plan that is received by OSPR at least 180 days prior to the beginning of operations.
- (3) Any vessel that first begins operating in California marine waters after the due date for initial plan submittal shall submit a plan that is received by OSPR at least five working days prior to entering California marine waters.

(c) Receiving Agencies:

- (1) One copy of the plan for each marine facility and each vessel shall be delivered to the Planning Branch of the Office of Oil Spill Prevention and Response of the Department of Fish and Game. Delivery of the plan may be in person or by registered mail with return receipt requested, or the equivalent. Additional hard copies shall be provided to an OSPR regional office, upon request.
- (2) Two copies of the plan for each marine facility shall be delivered by the plan holder to the California State Lands Commission.
- (3) Within two working days of a request from the Administrator, additional copies shall be mailed by the plan holder to other member agencies of the State Interagency Oil Spill Committee and the State Oil Spill Technical Advisory Committee.
- (4) Any additional copies shall be submitted within two working days of a request by the Administrator.
- (5) In addition to the original hard copy of the contingency plan, a copy may be provided to OSPR on electronic media, in a format approved by the Administrator.

(d) Confidentiality

- (1) A plan holder may request that proprietary information be kept confidential. Such a request must include justification for designating the information as confidential. The Administrator will make a determination regarding that information which may be considered confidential and removed from any copy of the plan that is made available for public review.
 - (A) A plan holder may also request that any reports, or studies prepared or submitted under any contingency plan requirements be designated as proprietary information. Such a request must include justification for designating the report or study, such as drill reports or any background information developed for the Risk and Hazard Analysis, as confidential.

- (2) Any information designated as confidential must be clearly identified as proprietary.
- (3) If a plan holder designates information as confidential, two different copies of the plan must be submitted as follows:
 - (A) one copy must contain the confidential information. This plan will be utilized by the Administrator in the review and approval process;
 - (B) one copy must be submitted with the confidential information removed. This copy will be available for public review. This plan must contain sufficient information in place of the confidential information so that any individual reviewing the plan will understand all the notification, prevention and response elements of the plan.
 - (C) Any plan submitted to any state agency, as required by this section, must include all confidential information.

Note: Authority cited: Sections 8670.28, 8670.29, 8670.30 and 8670.31, Government Code. Reference: Sections 8670.28, 8670.29, 8670.30, 8670.31 and 8670.36, Government Code.

816.02 PLAN FORMAT

Each plan shall be organized into separate volumes: a response manual and a principal volume or volumes with related appendices. The format for each is outlined below:

(a) Response Manual

A simplified response manual suitable for on-scene use in the event of a spill which summarizes key notification information and the initial response actions specified in the plan shall be prepared and submitted with each plan.

- (1) The response manual is a subset of the information provided in the principal volume of the plan.
- (2) The information contained in the response manual shall be sufficient to direct on-scene response personnel through the first 24 hours of a response.

(b) Principal Volume of the Plan

- (1) The principal volume shall include all the required information including a summary of the conclusions of all studies, calculations and analyses.
- (2) The principal volume of each plan shall be organized to facilitate access to information, and shall include:
 - (A) a detailed table of contents with chapters arranged, to the extent possible, in the same order in which the requirement for that information appears in Sections 817.02 and 817.03 for marine facilities, or Sections 818.02 and 818.03 for vessels;
 - (B) a system of numbered chapters, sections and appendices;
 - (C) index tabs for locating plan chapters;

(D) a log sheet placed in the front of the plan for recording all amendments and updates; and

(E) amendments and updates that are consecutively numbered and dated.

(3) Each plan shall be submitted in an 8 1/2 by 11 inch binder, in a loose-leaf format to allow replacement of chapter or appendix pages without requiring replacement of the entire plan. Amendments and updates shall be hole-punched and in a format that will fit the binder that was submitted with the plan.

(4) If a fleet, blanket or regional plan is used, the principal volume of the plan will include all the information generic to all the marine facilities or vessels covered by the plan.

(c) Appendices

(1) Vessel-Specific Appendix

If a fleet or regional plan is used, each plan must include an appendix for each vessel covered by the plan. The vessel-specific appendix must provide the descriptive information regarding layout and design unique to that vessel.

(2) Marine Facility-Specific Appendix

If a blanket or regional plan is used each plan must include an appendix for each marine facility covered by the plan. The facility-specific appendix must address all the required information unique to that facility.

(3) Geographic-Specific Appendix to Vessel Plans

Each vessel plan must include an appendix to address the geographic-specific elements along the vessel's normal routes of travel. This appendix must include:

(A) all required notification information for each Geographic Region in which the vessel operates;

(B) identification of the oil spill response organizations to be used in each of the six Geographic Regions, as defined in Chapter 1, Section 790 of this subdivision, along the vessel's normal routes of travel; and

(C) a copy of the written contract or other approved means (as defined in Section 815.05(b) of this subchapter) that will verify that the oil spill response organization(s) that are named in the plan will provide the requisite equipment and personnel in the event of an oil spill.

(d) Substitute Plans

If a substitute plan is submitted, such as a plan prepared for the State Lands Commission, the Minerals Management Service, or the United States Coast Guard, the following must also be submitted:

(1) a listing of all the elements of the individual vessel or marine facility's contingency plan that will be replaced by elements in the substitute plan, with an index specifying the location of the required elements, by regulation section, within the substitute plan;

(2) any required prevention or response element not included in the substitute plan must be submitted as an appendix to the substitute plan; and

(3) a copy of the response manual required by this section.

(e) Wallet-Sized Card/Posted Information

The immediate response and notification information shall be summarized on a wallet-sized card, or on a poster located in a conspicuous place. This information shall include the names and telephone numbers of the individuals, agencies and organizations who must be immediately notified when a spill occurs. A copy of the card or poster shall be submitted with the plan.

Note: Authority cited: Section 8670.28, Government Code. Reference: Section 8670.28, Government Code.

816.03 PLAN REVIEW AND APPROVAL

(a) Timeframes

- (1) Each Plan shall be approved or denied within 180 days after receipt by the Administrator.
- (2) Any state agency or committee that reviews the contingency plans shall submit any comments to the Administrator within 60 days of receipt of the plan by the agency or committee.
- (3) The Administrator shall determine whether each plan complies with the regulations governing the contingency planning process. If it is determined that a plan is inadequate a written explanation of deficiencies and, if practicable, suggested modifications or alternatives shall be sent to the plan holder.
- (4) Upon notification of a plan's deficiencies, the plan holder will have 90 days to submit a new or modified plan. Such a re-submittal shall be treated as a new submittal and processed according to the provisions of this section.

(b) Determination of Adequacy:

- (1) A plan will be determined to be adequate if it provides for the best achievable protection of coastal and marine resources and meets the requirements of this subchapter. To be approved, the plan must also demonstrate that each owner/operator maintains a level of readiness that will allow for effective implementation of the plan.
- (2) To be determined adequate, each plan shall provide for all of the following:
 - (A) Prevention Measures:
 1. for marine facilities, all prevention measures to reduce or eliminate the hazards that could result in an oil spill as identified in the Risk and Hazard Analysis;
 2. for vessels, all prevention measures to reduce the possibility of an oil spill occurring as a result of allisions, collisions, groundings, explosions or operator error;
 - (B) immediate notification and mobilization of response resources upon the discovery of a spill;
 - (C) procedures for deployment and delivery of response equipment and personnel within the timeframes specified in Sections 817.02 and 817.03 for marine facilities or Sections 818.02 and 818.03 for vessels;
 - (D) procedures to assure protection of the environment from oil spills;
 - (E) procedures for timely and adequate clean up of all spills, up to and including the reasonable worst case spill;
 - (F) identification of response equipment, and the call-out procedures to acquire that equipment, to respond to any spill over and above the reasonable worst case spill, in a timely and efficient manner.

(G) all other prevention and response measures specified in Sections 817.02 and 817.03 for marine facilities and Sections 818.02 and 818.03 for vessels.

(3) In assessing the adequacy of a plan the Administrator shall consider:

(A) the volume and types of oil addressed by the plan;

(B) the history and circumstances of prior spills from the vessel, marine facility, small marine fueling facility, or vessel carrying oil as secondary cargo;

(C) existing operating hazards;

(D) the sensitivity and value of the natural, cultural and commercial resources of the geographic area encompassed by the plan;

(E) the spill prevention, notification and response measures addressed in the plan; and

(F) the site-specific characteristics of a marine facility that could affect response and clean-up operations, including: local topography, prevailing winds, current speed and direction, tidal fluctuations, and access to the potential spill sites; or

(G) the area-specific characteristics along a vessel's normal routes of travel that could affect response and clean-up operations, including: prevailing winds, current speed and direction, tidal fluctuations, and access to the potential spill response sites.

(4) Prior to considering a plan for approval, the Administrator may make an on-site inspection and require a drill of all or part of any contingency plan submitted in order to determine the plan's adequacy.

(c) Public Review and Comment

Contingency plans will be made available for review by any interested member of the general public at a designated location.

(1) Any person interested in reviewing the plan shall contact the Administrator to request an appointment to review the plan at the offices of OSPR. Copies of the plans will be provided at the cost of duplication.

(2) Any interested person may review a plan and submit written comments prior to the Administrator's approval of the initial plan or plan updates. Such comments will be taken into consideration in the Administrator's approval process. No comments will be accepted after final approval.

(d) Plan Approval

(1) A plan for a marine facility shall be approved if it addresses all the elements specified in Sections 817.02 or 817.03 as appropriate, and complies with the adequacy criteria enumerated in this section.

(2) A plan for a vessel shall be approved if it addresses all the elements specified in Sections 818.02 or 818.03 as appropriate, and complies with the adequacy criteria enumerated in this section.

(3) Any revised plan submitted by an owner/operator in response to a notification of inadequacy shall be considered approved unless otherwise notified by the Administrator within the timeframes established in

Section 816.03(a).

- (4) Any comments submitted by other agencies or interested parties shall be considered when approving or disapproving the plan.
- (5) The plan holder shall be notified when a plan has been approved. A Letter of Approval will be issued by the Administrator and will describe the conditions of approval, if any, and specify the expiration date of the Letter of Approval.
- (6) A plan will be considered to be effective upon submittal unless and until the owner/operator is notified that the plan is inadequate. Exceptions to this requirement will be considered by the Administrator on a case-by-case basis.

(e) Conditional Approval

A plan may be approved conditionally if there is a minor deficiency in one or more of the requisite elements.

- (1) The plan holder shall be notified of conditional approval. Such notice shall include a description of any deficiencies in the plan.
 - (A) Upon notification of a plan's deficiencies, the plan holder will have 90 days to submit a new plan , a modified plan, or corrections to the noted deficiencies. Such a re-submittal shall be treated as a new submittal and processed according to the provisions of this section.
- (2) Conditional approval may require the vessel or marine facility to operate with specific precautionary measures until the deficient components are resubmitted and approved.
 - (A) Precautionary measures may include, but are not limited to: reducing oil transfer rates, increasing personnel levels or training requirements, restricting operations to daylight hours, or increasing availability of response equipment.
 - (B) Failure to comply with the conditional requirements in a timely manner will result in the revocation of conditional approval status.

(f) Denial or Revocation of Plan

- (1) Approval shall be denied or revoked if a plan does not comply with the criteria set forth in this Section (816.03).
- (2) If approval is denied or revoked, the Administrator shall notify the plan holder in writing of the reasons for denial or revocation and provide an explanation of those actions necessary to secure approval.
 - (A) The plan holder shall have 90 days to submit a new or revised plan that incorporates the recommended changes.
 - (B) Failure to gain approval after the second submission may be determined to be a violation of this subchapter.
- (3) Upon determination of a violation the Administrator may order a vessel or marine facility to discontinue

operations until a plan for that vessel or facility has been approved.

(g) Appeals

The plan holder may appeal a decision made by the Administrator regarding the contingency plan in accordance with the following provisions:

- (1) the plan holder may submit a written request for reconsideration to the Administrator regarding any decision of conditional approval, denial, revocation of approval, or a request for exemption. Requests must be submitted within 15 calendar days from the date the plan holder receives notice that approval of the plan has been denied. The request must contain the basis for the reconsideration and, if available, provide evidence which rebuts the basis for the Administrator's decision regarding the plan;
- (2) within 15 calendar days following the receipt of the request for reconsideration, the plan holder will either be sent a notice that the Administrator shall adhere to the earlier decision or that the decision has been rescinded;
- (3) the plan holder may, within 15 days after receipt of notice that reconsideration has been denied, request a hearing in writing. No such hearing may be requested unless and until all remedies pursuant to this section have been exhausted. The Administrator shall conduct a reconsideration hearing upon request;
- (4) the proceedings and hearings under this section shall be conducted in accordance with Chapter 4.5 (commencing with Section 11400) of Part I of Division 3 of Title 2 of the Government Code, including the right of judicial review as provided for in Section 11460.80 of the Government Code.

(h) Proof of Approval

(1) Marine Facilities

The marine facility plan holder shall keep the Letter of Approval, or a copy certified to be true and accurate, filed in the front of the approved contingency plan. The approval letter shall be presented upon request to any representative of the Administrator.

(2) Vessels

The vessel plan holder shall keep the Letter of Approval, or a copy certified to be true and accurate, filed in the front of the response manual. The approval letter shall be presented upon request to any official representing the Administrator, or to the operator of a marine facility prior to an oil transfer.

(i) Liability

Approval of a plan does not constitute an express assurance regarding the adequacy of the plan in the event of a spill nor does it constitute a defense to liability on the part of the operator or owner.

(j) Coastal Protection Review

- (1) Within one year of the adoption of this section, and within 18 months of subsequent updates, the Administrator shall conduct a comprehensive review of all the oil spill contingency plans for vessels and marine facilities.
- (2) The comprehensive review shall be conducted to assure that the plans, as a whole, provide the best achievable protection of coastal resources. Each plan will be reviewed in conjunction with all the plans submitted by vessels and marine facilities located in or using the same geographical region. The Geographic Regions to be used for the review of overall coastal protection are defined in Chapter 1, Section 790 of this subdivision.

- (3) The Administrator shall evaluate the contingency plans for each geographical region to determine if deficiencies exist in equipment, personnel, training and other elements determined to be necessary to ensure the best achievable protection for that region.
- (4) If deficiencies are found to exist in overall protection, the Administrator shall remand any contingency plans to the plan holder with recommendations for any amendments necessary to adequately protect coastal resources in that geographical region. Any plans returned for amendment shall be processed according to the procedures for initial submittal, review and approval of the contingency plan.

Note: Authority cited: Sections 8670.19, 8670.28, and 8670.31, Government Code. Reference: Sections 8670.19, 8670.28, and 8670.31, Government Code.

816.04 PLAN IMPLEMENTATION AND USE

(a) Availability

(1) Marine Facility Plans

- (A) A complete copy of the marine facility's approved plan must be maintained on-site if the facility is staffed, or at the nearest field office if the facility is not staffed.
- (B) A copy of the response manual must be maintained at all sites covered by the plan.
- (C) Response manuals for pipeline facilities shall be maintained at all sites covered by the plan or where operations and maintenance activities are conducted.

(2) Vessel Plans

- (A) A complete copy of the vessel's contingency plan, including the response manual, must be maintained by the owner/operator.
 - (B) A complete copy of the vessel's approved response manual must be maintained on board the vessel at all times.
- (3) The plan, or response manual, whichever is required, must be in a central location accessible to key response personnel at all times.
 - (4) A complete copy of the contingency plan, including the response manual, must be maintained by the Qualified Individual and available for use in the event of an incident.
 - (5) A complete copy of the contingency plan, including the response manual, must be maintained by the owner/operator and made available for review and inspection by all relevant state agencies upon request.
 - (6) Immediate Notification Information
 - (A) The wallet-sized card with the summary of immediate response and notification information shall be carried by all appropriate personnel while on duty; or
 - (B) The immediate response and notification information that is summarized on the wallet-sized card, shall be

posted in a conspicuous location with access to a telephone, or other similar means of communication.

(b) Implementation

- (1) Each plan shall be effective upon submittal. Any element of the plan that can not be implemented upon submittal must be covered by a timetable for implementation. Elements included in the timetable may include such items as the purchase of equipment, or the implementation of specific prevention measures. The timetable must also include an explanation for the delay, and provide for full implementation within six months of plan submittal, unless an extension is authorized by the Administrator.
- (2) The owner/operator must implement the plan according to any timetable submitted as part of the plan.
- (3) An owner/operator, or any of his/her agents and employees shall use and implement the effective plan in the event of an oil spill or an oil spill drill.
- (4) Any deviation from any major element of the contingency plan must be approved by the Administrator in advance of the change. A major element is one that will affect timely and adequate oil spill response.
- (5) All involved parties, as defined, shall carry out whatever direction is given by the Administrator in connection with the response, containment, and clean up of a spill. A responsible party or potentially responsible party (party) may refuse to accept a directive from the Administrator if:
 - (A) the directions of the Administrator are in direct conflict with directions from the Coast Guard; and/or
 - (B) the party reasonably, and in good faith, believes that the directions or orders given by the Administrator will substantially endanger the public safety or the environment.
- (6) If a party refuses to accept the directive of the Administrator, the party shall state the reason why they have refused at the time of refusal, and:
 - (A) the party that has refused a directive shall follow up a verbal explanation of their refusal with a written notice to the Administrator explaining in full the reason(s) for refusing the directive. The written notice must be submitted within 48 hours of the refusal;
 - (B) the burden of proof shall be on the party to demonstrate, by clear and convincing evidence, why refusal to follow orders was justified.
- (7) Failure to implement the plan appropriately shall constitute a violation of this subchapter.

(c) Coordination With Other Plans

- (1) Each plan shall be consistent with the State Oil Spill Contingency Plan and not in conflict with the National Oil & Hazardous Substances Pollution Contingency Plan.
- (2) Beginning with the first review and resubmission, each plan submitted shall be consistent with the appropriate Area Contingency Plan(s) completed by the Coast Guard, State Agencies, and Local Governments as required by the Oil Pollution Act of 1990 that are in effect on January 15 of the year in which the contingency plan update is required.

Note: Authority cited: Sections 8670.28 and 8670.31, Government Code. Reference: Sections 8670.27, 8670.28,

8670.28.5, 8670.29, 8670.30(a)(2), and 8670.57 through 8670.69.6, Government Code.

816.05 PLAN UPDATES

(a) Timeframes

(1) Update and Review

(A) All plans shall be resubmitted for review on April 1, 1996, and on April 1, 1998, and then once every five years thereafter. The subsequent resubmittal filing dates shall conform to the date set for United States Coast Guard response plan filing, under the Oil Pollution Act of 1990 (OPA-90) (Pub. L. 101-380).

1. A complete new plan must be resubmitted for the update and review only if there have been changes to the plan since the last submittal. If the plan has not changed, or the relevant Area Contingency Plan has not been amended, the owner/operator may submit a letter to the Administrator stating that the plan currently on file with the OSPR is up-to-date and complete.

(B) The Administrator may require earlier or more frequent resubmission than that required in Subparagraph (A). The owner/operator shall be notified in writing if an earlier update is required. The notice shall include an explanation for the reasons for the update. The circumstances that would warrant an earlier review or update include, but are not limited to, the following:

1. a change in regulations;
2. the development of new oil spill response technologies as determined by the Administrator during any review of Response Capability Standards;
3. deficiencies identified in the Administrator's review of all the oil spill contingency plans as part of the Coastal Protection Review;
4. an increased need to protect plant and wildlife habitat;
5. an oil spill;
6. an oil spill drill;
7. significant changes to the vessel or marine facility; and
8. any other situation deemed appropriate by the Administrator.

(2) Unscheduled Updates

(A) The Administrator shall be notified as soon as possible, but at least within 24 hours, of any significant change or update to an approved plan.

1. A significant change is one that could affect timely and adequate oil spill response.
2. Changes which are not significant include minor changes in equipment, personnel, or operating procedures.

3. As soon as administratively feasible, the Administrator will approve any change that would benefit the public health and safety, improve environmental protection, or facilitate more effective response, containment and clean up.

(b) Review and Approval of Plan Updates

- (1) The Administrator may deny approval of a resubmitted plan, or updated section(s) of a plan if it is no longer adequate according to the adopted regulations and policies in effect at the time of resubmission.
- (2) The review will be processed in accordance with the same timeframes and procedures for submission of the initial plan.

(c) Logging and Distributing the Revised Plan:

- (1) The plan holder shall distribute the revised plan page(s) to all plan recipients within 15 days of the Administrator's approval of the revisions. Faxed updates for insertion into the plan are not acceptable.
- (2) The updated page(s) shall have an update number and date revised on the bottom of each page, and shall be accompanied by an index of updates that includes update number, date revised, page(s) revised, and subject matter of update. In addition to the hard copy, this information may be submitted on electronic media, in a format approved by the Administrator.
- (3) The log sheet, located in the front of the plan, shall be used to record the date the amendment was received, the initials of the individual who received the amendment, and a description of the change.

(d) Each plan recipient must incorporate and utilize all updated materials as provided by the plan holder.

Note: Authority cited: Sections 8670.28 and 8670.31, Government Code. Reference: Sections 8670.19, 8670.28 and 8670.31, Government Code.

816.06 Compliance Requirements/Penalties

Any person who knowingly, intentionally, or negligently violates any provision of this subchapter shall be subject to criminal, civil, and/or administrative civil actions as prescribed in Article 9, beginning with Section 8670.57 of the Government Code. Actions which constitute a violation of this subchapter shall include, but not be limited to, the following:

- (a) failure to submit the plan in a timely manner;
- (b) failure to implement any element of the plan as approved unless otherwise authorized by the Administrator or the U.S. Coast Guard through the Unified Command;
- (c) operating without an approved plan; or
- (d) failure to contract with an OSRO Rated by OSPR for booming, on-water recovery and storage, and shoreline protection services; or
- (e) failure to follow the direction or orders of the Administrator in connection with an oil spill, except as

provided in Section 8670.27 of the Government Code.

Note: Authority cited: Section 8670.28, 8670.29, 8670.30, 8670.57 through 8670.69.6, Government Code. Reference: Sections 8670.29, 8670.30, 8670.31, and 8670.57 through 8670.69.6, Government Code.

817 MARINE FACILITY CONTINGENCY PLANS

817.01 APPLICABILITY

(a) Plans

Oil spill contingency plans shall be prepared, submitted and used pursuant to the requirements of this subchapter for all marine facilities located in the marine waters (as defined in Section 815.05 of this subchapter) of California, or where a discharge of oil could reasonably be expected to impact the marine waters of California.

- (1) A facility will be considered to have potential impact on marine waters based on the geographical and locational aspects of the site. Such aspects shall include proximity to marine waters or adjoining shorelines, land contour, and local drainage patterns. The existence of dikes, equipment or other structures used to prevent a spill from reaching marine waters will not necessarily affect the determination of which facilities are required to submit a plan.
- (2) Contingency plans shall not be required of facilities located outside of the zone as measured from the mean high tide line to three nautical miles offshore. Any pipelines connecting such facilities to the shoreline, however, will be subject to the contingency planning requirements of this subchapter.

(b) Exemptions/Evaluations

- (1) Owners/operators of platforms, with a reasonable worst case spill of less than 250 barrels, may apply for an exemption from the contingency plan requirements if the following conditions are met:
 - (A) the platform has a plan approved by either the Minerals Management Service (MMS), or the California State Lands Commission (SLC); and
 - (B) the MMS or SLC approved plan is submitted to the Administrator; and
 - (C) the Administrator determines that adequate response capability is available to address a spill and provide for the best achievable protection of coastal and marine resources.
- (2) Any facility owner/operator may request a determination from the Administrator whether their facility meets the definition of marine facility, on the basis that a spill from the facility could not reasonably be expected to impact marine waters.
 - (A) The request must be submitted to the Administrator at least 180 days prior to the beginning of operation of the marine facility, and must provide specific, technical justification for the request.
 - (B) The Administrator shall inspect the facility to determine if a spill from the facility could potentially impact marine waters before the request may be approved.
 - (C) The Administrator will review the request within 30 days of receiving the request.

- (D) If a decision is made that the facility meets the definition of marine facility, the facility owner/operator must submit a contingency plan within 90 days of receipt of the decision.
- (E) If a spill from a facility does occur which impacts marine waters, and the facility had previously received an evaluation that it does not meet the definition of marine facility, the evaluation is automatically revoked and the facility has 90 days in which to meet the contingency plan and Certificate of Financial Responsibility (COFR) requirements of this subdivision.

Note: Authority cited: Sections 8670.28, 8670.29, and 8670.30, Government Code. Reference: Sections 8670.28, 8670.29, 8670.30 and 8670.31, Government Code.

817.02 MARINE FACILITY PLAN CONTENT (EXCEPT FOR THOSE SMALL MARINE FUELING FACILITIES ADDRESSED IN SECTION 817.03 OF THIS SUBCHAPTER)

To the degree the information required by Subsections 817.02(b) through (k) exists elsewhere, copies of the pre-existing information may be submitted. If the information provided is not sufficient to meet the requirements of this subchapter, additional information may be requested by the Administrator.

(a) Introductory Material

(1) Each plan shall provide the following information:

- (A) name and address of the marine facility, and mailing address if different. The name and address of the facility shall be referenced in the plan title or on a title page at the front of the plan;
- (B) name, address and phone number of the owner and/or operator of the marine facility;
- (C) name, address and phone number of the person to whom correspondence should be sent;
- (D) a certification statement signed under penalty of perjury by an executive within the plan holder's management who is authorized to fully implement the oil spill contingency plan, who shall review the plan for accuracy, feasibility, and executability. If this executive does not have training, knowledge and experience in the area of oil spill prevention and response. the certification statement must also be signed by another individual within the plan holder's management structure who has the requisite training, knowledge, and experience. The certification shall be submitted according to the following format:

"I certify, to the best of my knowledge and belief, under penalty of perjury under the laws of the State of California, that the information contained in this contingency plan is true and correct and that the plan is both feasible and executable."

(signature), (title), (date);
- (E) A copy of the California Certificate of Financial Responsibility (COFR) for the marine facility shall be included in the front of the plan. If the COFR is not available when the plan is submitted because the marine facility is not yet operational, a copy of the COFR must be provided as soon as it becomes available. The COFR must be provided before the plan can be approved.

- (2) Each plan shall identify a Qualified Individual, as defined in Chapter 1, Section 790 of this subdivision, and any alternates that may be necessary for the purpose of implementing the plan. If an alternate or alternates are identified in the plan, then the plan shall also describe the process by which responsibility will be transferred from the Qualified Individual to an alternate. During spill response activities, notification of such a transfer must be made to the State Incident Commander at the time it occurs.
- (3) Each plan shall provide the name, address, telephone number and facsimile number of an agent for service of process designated to receive legal documents on behalf of the plan holder. Such agent shall be located in California.
- (4) Each plan shall contain a copy of the contract or other approved means (as defined in Section 815.05(b) of this subchapter) verifying that any oil spill response organization(s) that are named in the plan will provide the requisite equipment and personnel in the event of an oil spill. This requirement can be met by a copy of the basic written agreement with an abstract of the recovery and/or clean-up capacities covered by the contract. . Plan holders shall only contract with an OSRO(s) that has received a Rating by OSPR (as specified in Section 819 of this subchapter) for the booming, on-water recovery and storage, and shoreline protection services required.

(b) Marine Facility Description

- (1) Each plan shall describe the marine facility's design and operations with specific attention to those areas from which an oil spill could occur. This description shall include, at a minimum, the following information:
 - (A) a piping and instrumentation diagram, and a tank diagram including the location of pumps, valves, vents and lines; the number, and oil storage capacity of each structure covered under the plan and its age, design, construction and general condition; the range of oil products normally stored in each structure; the presence or absence of containment structures and equipment; and the location of mooring areas, oil transfer locations, control stations, safety equipment, drip pans and the drainage for drip pans;
 - (B) a description of the types, physical properties, health and safety hazards, maximum storage or handling capacity and current normal daily throughput of oil handled. A material safety data sheet (MSDS) or equivalent will meet this requirement and can be maintained separately at the facility providing the plan identifies its location;
 - (C) a description of the normal procedures for transferring oil from or to a pipeline, tanker, barge or other vessel, or storage tank, and the amount, frequency and duration of oil transfers;
 - (D) the marine facility's normal hours of operation; and
 - (E) for an exploration or production facility, a complete description of those sections of the oil or gas lease field, gathering lines, storage tanks and processing facilities, under the control of the owner/operator, a spill from which could reasonably be expected to impact the marine waters of California.
- (2) Each plan shall describe the marine facility site and surrounding area, including, where appropriate, the following information (note: where maps/diagrams are required they may be submitted (in addition to the original hard copy) on electronic media, in Portable Document Format (PDF)):
 - (A) a map and description of site topography, including the drainage and diversion plans for the marine facility,

such as sewers, storm drains, catchment, containment or diversion systems or basins, oil/water separators, and all watercourses into which surface runoff from the facility drains;

- (B) vicinity maps showing any vehicular or rail access to the marine facility, pipelines to and from the facility, nearby residential, commercial or other populous areas, and access to private land necessary to respond to a spill;
- (C) seasonal hydrographic and climatic conditions including wind speed and direction, air and water temperature, local tides, prevailing currents, and any local visibility problems;
- (D) physical geographic features, including ocean depths and local bathymetry; beach types and other geological conditions, including type of soil and terrain; operational conditions such as physical or navigation hazards, traffic patterns, permanent buoys, moorings and underwater structures or other site-specific factors; and any other physical feature that may affect spill response;
- (E) logistical resources within the geographic area covered by the plan, including facilities for fire services, medical services, and accommodations for spill response personnel; and
- (F) shoreline access area, including piers, docks, boat launches and equipment and personnel staging areas.

(c) Prevention Measures

Each plan shall address prevention measures in order to reduce the possibility of an oil spill occurring as a result of the operation of the marine facility. The prevention measures must eliminate or mitigate all the hazards identified in the Risk and Hazard Analysis.

(1) Risk and Hazard Analysis

- (A) Each plan shall provide a history of the significant spills from the marine facility for either the 10 year period prior to the date of plan submittal, or from the date the facility became operational, whichever is shorter. As used in this section, a significant spill is one which had a deleterious impact on the local environment, or caused the physical layout of the facility or the facility's operations procedures to be modified. This information shall include:
 - 1. a written description of sites, equipment or operations with a history of oil spills;
 - 2. the cause and size of any historical spill. The causes to be considered shall include such factors as operator error, or a failure of the system or subsystem from which the spill occurred;
 - 3. a brief summary of the impact of the spills; and
 - 4. a description of the corrective actions taken in response to any and all spills included in the historical data.
- (B) Each facility shall conduct a Risk and Hazard Analysis to identify the hazards associated with the operation of the facility, including: operator error, the use of the facility by various types of vessels, equipment failure, and external events likely to cause an oil spill.

The owner/operator may use one or more of the hazard evaluation methods identified by the American

Institute of Chemical Engineers, or an equivalent method, including, but not limited to:

1. What-if analysis;
2. Checklist analysis;
3. Preliminary hazard analysis;
4. Hazard and operability study;
5. Failure mode and effect analysis; or
6. Fault tree analysis.

(C) The chosen hazard evaluation method must be conducted in accordance with the guidelines established by the American Institute of Chemical Engineers as published in the "Guidelines for Hazard Evaluation Procedures", second edition, copyright 1992, prepared for The Center For Chemical Process Safety.

1. The plan must include information regarding the expertise of the working group that develops the analysis.
2. The plan must include information that demonstrates to the Administrator that the analysis is appropriate to the marine facility and adequate according to the published procedures referenced in (C) above.
3. An owner/operator may be found in violation of this section if the Risk and Hazard Analysis does not adequately address the risks posed by the marine facility.
4. The Administrator may require that an analysis be updated if there are significant changes made to the marine facility. A significant change, as used in this paragraph, is one that would have an impact on the outcome of the Risk and Hazard Analysis.
5. Additional information regarding the analysis method used or the working group that conducted the analysis shall be made available to the Administrator upon request.

(D) Each plan shall include a summary of the results of the Risk and Hazard Analysis. The summary shall include the following:

1. the hazard analysis method used, and a statement that the analysis is specific to the marine facility. If the analysis relies on a risk assessment at a similar facility, the summary shall specify how the two facilities are comparable;
2. an inventory of the hazards identified, including the hazards that resulted in the historical spills;
3. an analysis of the potential oil discharges, including the size, frequency, cause, duration and location of all significant spills from the marine facility as a result of each major type of hazard identified;
4. the control measures that will be used to mitigate or eliminate the hazards identified. The plan shall

include timeframes for implementing any control measures that cannot be functional immediately; and

5. a prediction of the potential oil spills that might still be expected to occur after any mitigating controls have been implemented.

(E) All supporting documentation used to develop the Risk and Hazard Analysis summary shall be made available to the Administrator upon request.

(2) Off-Site Consequence Analysis:

For the significant hazards identified in the Risk and Hazard Analysis required under this section, the marine facility shall conduct a trajectory analysis to determine the Off-Site Consequences of an oil spill. This analysis shall assume pessimistic water and air dispersion and other adverse environmental conditions such that the worst possible dispersion of the oil into the air or onto the water will be considered. This analysis is intended to be used as the basis for determining the areas and shoreline types for which response strategies must be developed. Some of the information required in this subsection may be drawn from the appropriate Area Contingency Plans, completed by the Coast Guard, State Agencies, and Local Governments pursuant to the Oil Pollution Act of 1990. (Note: where maps/diagrams are required they may be submitted (in addition to the original hard copy) on electronic media, in Portable Document Format (PDF)). The analysis, which shall be summarized in the plan, shall include at least the following:

(A) a trajectory, or series of trajectories (for pipelines, etc.), to determine the potential direction, rate of flow and time of travel of the reasonable worst case oil spill from the facility to marine waters and to the shorelines, including shallow-water environments, that may be impacted. For purposes of this requirement, a trajectory or trajectories (projected for a minimum of 72 hours) that determine the outer perimeter of a spill, based on regional extremes of climate, tides, currents and wind with consideration to seasonal differences, shall be sufficient;

(B) for each probable shoreline that may be impacted, a discussion of the general toxicity effects and persistence of the discharge based on type of product; the effect of seasonal conditions on sensitivity of these areas; and an identification of which areas will be given priority attention if a spill occurs.

(3) Resources at Risk from Oil Spills:

Based on the trajectory of the spilled oil as determined in the Off-Site Consequence Analysis, each plan shall identify the environmentally, economically and culturally sensitive areas that may be impacted. Each plan shall identify and provide a map of the locations of these areas. Some of the information required in this subsection may be drawn from the appropriate Area Contingency Plans, completed by the Coast Guard, State Agencies, and Local Governments pursuant to the Oil Pollution Act of 1990. (Note: where maps/diagrams are required they may be submitted (in addition to the original hard copy) on electronic media, in Portable Document Format (PDF)).

(A) The map of environmentally sensitive areas shall include:

1. shoreline types and associated marine resources;
2. the presence of migratory and resident marine bird and mammal migration routes, and breeding, nursery, stopover, haul-out, and population concentration areas by season;

3. the presence of aquatic resources including marine fish, invertebrates, and plants including important spawning, migratory, nursery and foraging areas;
4. the presence of natural terrestrial animal and plant resources in marine-associated environments;
5. the presence of state or federally-listed rare, threatened or endangered species;
6. the presence of commercial and recreational fisheries including aquaculture sites, kelp leases and other harvest areas.

(B) The map of the locations of economically and culturally sensitive areas shall include:

1. public beaches, parks, marinas, boat ramps and diving areas;
2. industrial and drinking water intakes, power plants, salt pond intakes, and other similarly situated underwater structures;
3. off-shore oil and gas leases and associated drilling/production platforms;
4. known historical and archaeological sites. If a plan holder has access to any confidential archaeological information, it must be submitted as a separate item and will be handled as confidential information as outlined in Subsection 816.01(d);
5. areas of cultural or economic significance to Native Americans; and
6. the major waterways and vessel traffic patterns that are likely to be impacted.

(4) Required Prevention Measures

Each marine facility shall take all prevention measures to reduce or mitigate the potential hazards identified in the Risk and Hazard Analysis, and the potential impact those hazards pose to the resources at risk. Each plan shall include the following:

- (A) schedules, methods and procedures for testing, maintaining and inspecting pipelines and other structures within or appurtenant to the marine facility that contain or handle oil which may impact marine waters if a failure occurs. Any information developed in compliance with Title 30 CFR, Part 250.153; Title 33 CFR, Part 154; Title 49 CFR, Part 195; and/or Title 5, Division 1, Part 1, Chapter 5.5, Sections 51010 through 51019.1 of the Government Code may be substituted for all or part of any comparable prevention measures required by this subsection.
- (B) methods to reduce spills during transfer and storage operations, including overfill prevention measures and immediate spill containment provisions. Any information developed in compliance with Title 2, CCR, Division 3, Chapter 1, Article 5, Sections 2300 through 2407; Title 30 CFR, Part 250.154; and/or Title 33 CFR, Parts 154 and 156 may be substituted for all or part of any comparable prevention measures required by this subsection.
- (C) procedures to assure clear communication among all the parties involved during transfer operations. Any information developed in compliance with Title 2, CCR, Division 3, Chapter 1, Article 5; Title 14, CCR,

Division 1, Subdivision 4, Chapter 3, Subchapter 6; and/or Title 33 CFR, Parts 154 and 156 may be substituted for all or part of any comparable prevention measures required by this subsection;

(D) protection measures for areas within the marine facility that are subject to flooding;

(E) the plan holder shall provide additional relevant information to the Administrator upon request.

(5) Other Prevention Measures

Each plan shall also identify and include a summary of those prevention measures required by other Federal, State or local agencies or which are currently in place and being utilized by marine facility personnel. The list of existing prevention measures shall include, but not be limited to, the following:

(A) a description of any "risk reduction incentive programs" in place at the marine facility. A risk reduction incentive program is one designed to reduce factors leading to technical and human error, such as programs that reward accident-free periods in the workplace;

(B) a description of leak detection and spill prevention safety and alarm systems, devices, equipment or procedures;

(C) a description of automatic controls that can be operated remotely or pre-programmed to control normal processes, safety shutdown and emergency shutdown;

(D) a description of the alcohol and drug testing programs for key personnel;

(E) any additional prevention measures taken or contemplated to minimize the possibility of oil spills;

(F) a description of any fencing, locks, lighting and other security or surveillance measures necessary to reduce vandalism, sabotage, or unauthorized entries.

(G) The plan holder shall provide additional relevant information to the Administrator upon request.

(d) On-Water Containment and Recovery

Each plan must provide for the on-water containment and recovery of all potential oil spills from the marine facility. To determine the amount of containment and recovery capability that must be available, each facility must calculate a Response Planning Volume as outlined below:

(1) Reasonable Worst Case Spill

To calculate the Response Planning Volume, it is first necessary to determine the reasonable worst case spill for each marine facility, as follows:

(A) For marine facilities (except on-shore pipelines (not subject to Chapter 6.67 (commencing with Section 25270) or Chapter 6.7 (commencing with Section 25280) of Division 20, Health and Safety Code) which are addressed in Subsection (B), offshore platforms which are addressed in Subsections (C) and (D), and offshore pipelines which are addressed in Subsection (E):

1. the loss of the entire capacity of all in-line, break-out and portable storage tank(s), not subject to Chapter 6.67 (commencing with Section 25270) or Chapter 6.7 (commencing with Section 25280) of Division 20, Health and Safety Code, needed for the continuous operation of the pipelines used for the purposes

of handling or transporting oil, taking into account the existence of volume limiting factors including, but not limited to, line pressure, gravity, and the availability and location of the emergency shut-off controls; plus

2. the amount of additional spillage that could reasonably be expected to enter California marine waters during emergency shut-off, transfer or pumping operations if a hose(s) or pipeline(s) ruptures or becomes disconnected, or if some other incident occurs which could cause or increase the size of an oil spill. The spillage shall be calculated as follows: the maximum time to discover the release from the pipe or hose in hours, plus the maximum time to shut down flow from the pipe or hose in hours (based on historic discharge data or the best estimate in absence of historic discharge data for the marine facility) multiplied by the maximum flow rate expressed in barrels per hour (based on the maximum relief valve setting or maximum system pressure when relief valves are not provided) plus the total linefill drainage volume expressed in barrels.
3. The Administrator has the discretion to accept that a marine facility can operate only a limited number of the total pipelines at a time. In those circumstances, the reasonable worst case spill volume shall include the drainage volume from the piping normally not in use, in addition to the volume determined in (1) and (2), above.

(B) For on-shore pipelines not subject to Chapter 6.67 (commencing with Section 25270) or Chapter 6.7 (commencing with Section 25280) of Division 20, Health and Safety Code, the largest volume in barrels, of the following:

1. The pipeline's maximum release time in hours (i.e., the time between pipeline rupture and discovery), plus the maximum shut-down response time in hours (based on historic discharge data or in the absence of such historic data, the operator's best estimate), multiplied by the maximum flow rate expressed in barrels per hour (based on the maximum daily capacity of the pipeline), plus the largest line drainage volume after shutdown of the line section(s) in the response zone expressed in barrels. (As used in this subsection: line section means a continuous run of pipe that is contained between adjacent pressure pump stations, between a pressure pump station and a terminal or break-out tank, between a pressures pump station and a block valve, or between adjacent block valves; response zone means a geographic area either along a length of pipeline or including multiple pipelines, containing one or more adjacent line sections, for which the operator must plan for the deployment of, and provide spill response capabilities. The size of the zone is determined by the operator after considering available capabilities, resources, and geographic characteristics); or
2. The largest foreseeable discharge for the line section(s) within a response zone, expressed in barrels, based on the maximum historic discharge, if one exists, adjusted for any subsequent corrective or preventive action taken; or
3. If the response zone contains one or more break-out tanks, the capacity of the single largest tank or battery of tanks within a single secondary containment system, adjusted for the capacity or size of the secondary containment system, expressed in barrels.

(C) For offshore platforms (except those drilling a new well which are addressed in Subsection (D)):

1. total tank storage and flow line capacity; plus

2. that portion of the total linefill capacity which could be lost during a spill, taking into account the availability and location of the emergency shut-off controls and the effect of hydrostatic pressure; plus
3. the amount of additional spillage that could reasonably be expected to enter marine waters during emergency shut-off, transfer or pumping operations if a hose or pipeline ruptures or becomes disconnected, or some other incident occurs which could cause or increase the size of an oil spill. The calculation may take into consideration other safety devices, emergency reaction times and maximum transfer rates; plus
4. the daily production volume for seven days from an uncontrolled blowout of the highest capacity well associated with the marine facility. In determining the daily discharge rate, the reservoir characteristics, casing/production tubing sizes, and historical production and reservoir pressure data shall be taken into consideration.

(D) For offshore platforms with active well drilling:

The owner/operator of a platform at which a new well is being drilled must submit a proposed reasonable worst case oil spill calculation for platform operations to the Administrator. The proposed worst case discharge is the daily volume possible for seven days from an uncontrolled blowout taking into consideration any known reservoir characteristics. The proposed calculation will be reviewed by the Administrator during the plan review and approval process to determine if it adequately addresses the oil spill potential of the new well system.

(E) For offshore pipelines, the largest volume in barrels of the following calculation:

1. The pipeline system leak detection time, plus the shutdown response time, multiplied by the highest measured oil flow rate over the preceding 12-month period. For new pipelines, use the predicted oil flow rate. Add to this calculation the total volume of oil that would leak from the pipeline after it is shut in. This volume should be calculated by taking into account the effects of hydrostatic pressure, gravity, frictional wall forces, length of pipeline segment, tie-ins with other pipelines, and other factors.

(F) The calculations, and such parameters as flow rates, linefill capacities and emergency shutoff times, that are used to determine a marine facility's reasonable worst case spill shall be submitted as part of the plan. The Administrator may review and test these parameters as part of the drill conducted in accordance with Subsection 816.03(b).

(2) Persistence and Emulsification Factors

(A) The reasonable worst case spill volume is then multiplied by a persistence factor relative to the most persistent type of oil that may be spilled. The persistence factors relative to the type of oil spilled, are specified below:

Oil Group	Group 1	Group 2	Group 3	Group 4
On-Water Volumes	.20	.50	.50	.50

(B) Emulsification Factors

The volume determined from the calculation in Subparagraph (A) is then multiplied by one of the following emulsification factors, again, based on the type of oil.

Oil Group	Group 1	Group 2	Group 3	Group 4
Emulsification	1.0	1.8	2.0	1.4

(C) Response Planning Volume

The total determined by the above calculation is a Response Planning Volume.

1. The Response Planning Volume to be used to determine the amount of Response Equipment and Services that must be under contract shall be the greater of the amount determined in Subsection 817.02(d)(1) and (2) , or the Planning Volume for On-water Recovery calculated for the nearshore/inland environment in the marine facility's federal response plan pursuant to 33 CFR Part 154, Appendix C, Section 7. The Planning Volume for On-Water Recovery is the adjusted volume from the federal calculation determined prior to establishing the response tiers utilizing the mobilization factors.
2. All calculations used to determine the Response Planning Volume shall be included in the plan.

(3) Response Capability Standards

The equipment and personnel necessary to address the Response Planning Volume is brought to the scene of the spill over a period of time. The timeframes are dependent upon the risk zone in which the marine facility is located and are specified in the tables in this section.

The standards set forth in this section are only planning standards and may not reflect the exigencies of actual spill response. However, these are the standards that must be used to determine the amount of equipment and personnel that must be under contract. Equipment in addition to that under contract must be identified, and a call-out procedure in place to access this equipment, if the marine facility has a spill that exceeds these planning standards. The owner/operator is ultimately responsible for addressing the entire volume of an actual spill regardless of the planning standards.

(A) Total Equipment Required

1. The total amount of on-water containment and recovery equipment and services required shall be the lesser of the amount necessary to address the Response Planning Volume determined in Section 817.02(d)(2)(C) or the Daily Recovery Rate established by this Section at 817.02(d)(3)(B).
2. The amount of equipment and the timeframes for delivery are specified in Subsection 817.02(d)(3)(B). The barrels per day capability figure is the total amount of on-water recovery equipment that must be at the scene of the spill at the hour specified which is measured from the time of notification, as described in this subchapter. All on-water recovery equipment must be capable of being deployed and operable within one hour of arrival at the scene of the spill but no later than the designated timeframe for each risk zone.

3. The timeframes for equipment delivery and deployment as specified in this subsection do not take into account the time required to conduct a health and safety assessment of the site as set forth in Subsection 817.02(f)(9), and as required by the California Occupational and Safety Administration. In addition, these timeframes do not account for delays that may occur due to weather or seastate. The actual time necessary to deliver and deploy equipment will be assessed at the time of an incident or a drill and will take into account the prevailing conditions of weather and seastate, as well as the site assessment requirements.

(B) Daily Recovery Rate

1. Facilities located in High-Volume Ports

DELIVERY TIME (HRS)	6	24	36	60
BBLS/DAY CAPABILITY	23,437	31,250	46,875	78,125

- i. in addition, the facility/transfer points within the High Volume Ports must have 3,125 barrels/day, or 10% of the reasonable worst case spill volume, whichever is less, of on-water recovery capability that can be mobilized and on-scene within two hours of notification;
- ii. if a facility/transfer point within a High Volume Port maintains and can immediately deploy containment equipment for a 3,125 barrel spill, or 10% of the reasonable worst case spill volume, whichever is less, the initial on-water recovery capability can be on-scene within three hours rather than two hours.

2. Facility/Transfer Areas and the Santa Barbara Channel Area

DELIVER Y TIME (HRS)	12	36	60
BBLS/DA Y CAPABILI TY	19,531	35,156	66,406

- i. in addition, facility/transfer points within a Facility/Transfer Area and the Santa Barbara Channel Area must have 3,125 barrels/day, or 10% of the reasonable worst case spill volume, whichever is less, of on-water recovery capability that can be mobilized and on-scene within two hours of notification;
- ii. if a facility/transfer point within a Facility/Transfer Area or the Santa Barbara Channel Area maintains and can immediately deploy containment equipment for a 3,125 barrel spill, or 10% of the

reasonable worst case spill volume, whichever is less, the initial on-water recovery capability can be on-scene within three hours rather than two hours;

- iii. for those points where transfers occur infrequently, and where there is not permanent equipment present, the 3,125 barrel/day, or 10% of the reasonable worst case spill volume, whichever is less, on-water recovery capability shall be brought to the site at the time of transfer;
- iv. for infrequent transfers of non-persistent oil, the initial response requirement may be waived by application to the Administrator. The application for waiver must include a justification based on such factors as the location of the marine facility, proximity to response equipment, additional equipment in the immediate area, and the relative environmental sensitivity of the potential spill sites.

(C) Sufficient containment equipment shall be brought to the scene of the spill to address the daily recovery rates as designated in Section 817.02(d)(3)(B).

(D) The standards set forth in Subsection 817.02(d)(3)(B) were increased by a factor of 25% on July 1, 1997. It was determined that this increase was feasible and necessary to meet the best achievable protection of the coast.

(E) The standards set forth in Subsection 817.02(d)(3)(B) will be increased by a factor of 25% effective July 1, 2001 and again July 1, 2005 if it can be demonstrated that these increases are feasible and necessary in order to meet the best achievable protection of the coast. Prior to any such increase, the Administrator will conduct a review and hold a hearing as outlined below:

1. The Administrator shall conduct a review of the scheduled increase before the increase shall become effective. Results of this review shall be available in January of the year the increase would become effective.
2. Review of the standards shall include analysis of technological improvements, such as but not be limited to: equipment efficiency and design improvements; improved spill tracking capability; approved dispersants; bioremediation; and other prevention and response measures.
3. The Administrator shall conduct a public hearing prior to confirming the new standards to solicit input regarding the necessity of the proposed increase and any credits that may be allowed.

(F) Transfer Operations

Each plan holder shall own or have under contract the equipment, and shall have the personnel and procedures sufficient to contain a 50 barrel spill. These response resources shall be present on-site during all vessel transfer operations and deployable immediately in the event of an oil spill.

(4) Non-Cascadable Equipment

Each plan shall nominate a certain amount of the recovery equipment identified in Section 817.02(d)(3) as non-cascadable, which may not be moved outside of the risk zone in which the marine facility is located. Non-cascadable equipment may not be moved in response to a spill outside of the risk zone without approval of the Administrator or the Federal On-Scene Coordinator (FOSC) through the Unified Command. During the Coastal Protection Review, the Administrator shall determine which among the nominated equipment shall be

designated as non-cascadable equipment for each zone. The final determination may not include equipment nominated from each plan. A contingency plan is not made invalid by the movement of non-cascadable equipment if such movement has been approved by the Administrator or the FOSC.

The amount of recovery equipment that is non-cascadable is dependent upon the risk zone in which the marine facility is located. The total amount required will be the lesser of the amount necessary to address the Response Planning Volume, or the amount specified as follows:

- (A) High Volume Ports and the Santa Barbara Channel Area: 10,000 barrels per day of recovery capability that can be mobilized within two hours of notification and on-scene within 12 hours.
- (B) Facility/Transfer Areas: 2,500 barrels per day of recovery capability that can be mobilized within two hours and on-scene within 12 hours.

(5) On-Water Response Equipment and Services

- (A) Each plan shall demonstrate that the marine facility has under contract or other approved means (as defined in Section 815.05(b) of this subchapter), access to all the necessary equipment and services to comply with the Response Capability Standards established in Subsection 817.02(d)(3). The amount of response equipment required shall take into account the derated capacity (as defined in Chapter 1, Section 790 of this subdivision) of the equipment.
- (B) The equipment identified for a specific area must be appropriate for use in that area given the limitations of the geography, bathymetry, water depths, tides, currents and other local environmental conditions. For those areas that require shallow-water response capability (refer to the relevant Area Contingency Plan), the plan shall provide for an adequate number of shallow-draft vessels (as defined in Section 815.05 of this subchapter) and for adequate booming and other shoreline protective resources to be under contract and available to provide shoreline protection of all sensitive sites identified in the trajectory analysis conducted as part of the Off-site Consequence Analysis. Additionally, the equipment identified shall also be appropriate for use on the type of oil identified. The following information must be provided:
 - 1. the location, inventory and ownership of the equipment to be used to fulfill the response requirements of this subchapter;
 - 2. a complete inventory of any nonmechanical response equipment and supplies, including the type and toxicity of each chemical agent, with procedures for storage and maintenance;
 - 3. the type and capacity of storage and transfer equipment matched to the skimming capacity of the recovery systems;
 - 4. the manufacturer's rated capacities and the operational characteristics for each major item of oil recovery equipment;
 - 5. the derated capacity (as defined in Chapter 1, Section 790 of this subdivision) for each major piece of on-water recovery equipment listed, as well as the derated capacity for the skimming systems as a whole.
 - i. A request may be submitted to the Administrator to review the derated capacity for a piece of

equipment if it can be shown that the equipment has a different capacity than the derating factor allows.

- ii. The Administrator's decision regarding a change in the derated capacity for a piece of equipment will be issued as soon as administratively feasible.
6. vessels designated for oil recovery operations, including skimmer vessels and vessels designed to tow and deploy boom, and availability of shallow-draft vessels;
7. vessels of opportunity reasonably available for oil spill recovery operations, including availability of shallow-draft vessels, procedures to equip the vessels, inventory all equipment, and train personnel;
8. pumping and transfer equipment for transferring oil from damaged structures, or from undamaged structures which might be at risk of discharging additional oil;
9. procedures for storage, maintenance, inspection and testing of spill response equipment under the immediate control of the operator;
10. sufficient equipment to track the movement of discharged oil, including aerial surveillance sufficient to direct skimming operations,.

(C) Each plan shall describe the personnel available to respond to an oil spill, including:

1. a list by job category including a job description for each type of spill response position needed as indicated in the spill response organization scheme;
2. a match between personnel by job category, and the equipment proposed for use (including equipment appropriate for shallow-water environments), including the plan for mobilization of such personnel;
3. sufficient personnel to maintain a response effort of at least 14 days.

(D) A list of the marine facility's spill management personnel and their spill response qualifications including a discussion of spill response training and experience, regulatory awareness and compliance, and supervision.

(E) Each plan shall describe procedures for the transport of required equipment, personnel and other resources to the spill site. The description shall include plans for alternative procedures during adverse environmental conditions. Adverse environmental conditions to be considered shall include:

1. adverse weather;
2. sea states, tides, winds and currents;
3. presence of debris or other obstacles; and
4. any other known environmental condition that could restrict response efforts.

(F) Any equipment and personnel identified in the plan must be available for response. Any necessary

maintenance for the equipment, vacation periods for response personnel, or other eventuality must be taken into account in relying upon these resources.

1. The equipment owner must notify the Administrator when major equipment is removed from service for a period of 24 hours or more for maintenance or repair. Major equipment is that which, if removed, would affect timely implementation of the plan. Notification must be made prior to removing equipment for regularly scheduled maintenance, and within 24 hours of removing equipment for unscheduled repairs.
2. The equipment owner must demonstrate that backup equipment is available during the time that the primary response equipment is out of service. Backup equipment may be provided from the owner's own inventory, or may be made available from another responder.
3. A plan shall remain valid during the time that equipment has been removed from service for maintenance or repair if the Administrator has approved such movement.

(G) Group 5 Oils

Marine facilities that handle Group 5 oils must provide information on response procedures and identify response equipment and resources to address the marine facility's reasonable worst case spill. Such equipment shall include, but is not limited to the following:

1. sonar, sampling equipment, or other methods for locating the oil on the bottom or suspended in the water column;
2. containment boom, sorbent boom, silt curtains, or other methods to reduce spreading on the bottom;
3. dredges, pumps, or other equipment necessary to recover oil from the bottom;
4. equipment necessary to assess the impact of such discharges; and
5. any other appropriate equipment necessary to respond to a discharge involving a Group 5 oil.

(6) On-Water Response and Recovery Strategies

Utilizing the equipment that must be under contract, each plan shall describe methods to contain spilled oil and remove it from the environment. The equipment identified for a specific area must be appropriate for use in that area given the limitations of the bathymetry, geomorphology, shoreline types and other local environmental conditions. Additionally, the equipment identified shall be appropriate for use on the type of oil identified. The description shall include:

(A) methods for on-water containment and removal of oil in open-water environments;

(B) methods for adapting on-water containment and removal strategies in order to address the spill as it moves to the close-to-shore environment. This description shall include, where appropriate, methods for carrying out response operations and protection strategies in shallow-water environments, as identified in the trajectory analysis conducted as part of the Off-site Consequence Analysis.

(C) The plan holder may propose the use of dispersants, in-situ burning, coagulants, bioremediants, or other

chemical agents or non-mechanical methods for response operations. The use of any non-mechanical method for response must be done in accordance with provisions of the State Marine Oil Spill Contingency Plan, the National Oil & Hazardous Substances Pollution Contingency Plan, the applicable federal Area Contingency Plan and all applicable State laws and regulations. If a non-mechanical method of response is proposed, the plan shall include:

1. methods of deployment or application;
2. a description of the specific mechanisms in place to assess the environmental consequences of the chemical agent. This shall include the mechanism for continuous monitoring of environmental effects for the first three days after initial application, and periodic monitoring thereafter until the agent is inert or no longer operative;
3. identification of all permits, approvals or authorizations needed to allow the use of chemical agents or non-mechanical methods, and the timeline for obtaining them;
4. a plan for protecting resources at risk, areas of public concern and the public from any adverse effects of the chemical agents used;
5. the projected efficacy of each type of non-mechanical method proposed for use taking into account the type of spilled material and the projected environmental conditions of the potential spill site; and
6. upon request, the plan holder shall provide any test results known to the plan holder which assess the environmental impacts of applying these agents in the marine environment.

(D) methods for tracking the movement of the discharged oil; and

(E) the location of the weather stations to be used for observations of winds, currents and other data at the time of a spill that may assist in making real-time projections of spill movement.

(e) Shoreline Protection and Clean-up

Each plan must provide for shoreline protection and clean-up of all potential spills from the marine facility. The protection strategies and the amount of equipment necessary are outlined below:

(1) Shoreline Response Planning Volume

Each plan shall demonstrate that the marine facility has access to all necessary equipment and services to address the response strategies appropriate to each shoreline that could potentially be impacted by a spill from the facility.

To determine the amount of equipment and services necessary a Response Planning Volume must be calculated as outlined below:

(A) Multiply the reasonable worst case spill for the marine facility, as calculated in Subsection 817.02(d)(1), by the appropriate persistence factor from the chart below for the most persistent type of oil that may be spilled:

Oil	Group 1	Group 2	Group 3	Group 4
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Group				
Clean-up Volume	.10	.30	.50	.70

(B) Emulsification Factors

The volume determined from the calculation above is then multiplied by one of the following emulsification factors, again, based on the type of oil:

Oil Group	Group 1	Group 2	Group 3	Group 4
Emulsification	1.0	1.8	2.0	1.4

(C) Total Shoreline Equipment Required

The total determined by this calculation is a Response Planning Volume.

1. The Response Planning Volume to be used to determine the amount of Response Equipment and Services that must be under contract shall be the greater of the amount determined in Subsection 817.02(e)(1), or the adjusted Planning Volume for onshore recovery calculated for the nearshore/inland environment in the facility's federal response plan pursuant to 33 CFR Part 154., Appendix C, Section 7.
2. All calculations used to determine the Response Planning Volume shall be included in the plan.

(2) Shoreline Protection Equipment and Services

Each plan must identify, and ensure availability through a contract or other approved means (as defined in Section 815.05(b) of this subchapter), an oil spill response organization capable of effecting shoreline protection strategies. Such protection strategies must be commensurate with the Response Planning Volume calculated for potential shoreline impact, and must be capable of addressing all appropriate protection, response and clean-up strategies. The specific areas where equipment and services must be available for use shall be identified in the Off-Site Consequence Analysis.

(A) The equipment identified for a specific area must be appropriate for use in that area given the limitations of the bathymetry, geomorphology, shoreline types and other local environmental conditions. Additionally, the equipment identified shall be appropriate for use on the type of oil identified. The following information must be provided:

1. the amounts of all protective booming, shallow-draft vessels, and shoreline clean-up equipment necessary to address the specific types of shorelines that may be impacted;
2. the location, inventory and ownership of the equipment to be used to fulfill the response requirements;
3. the procedures for storage, maintenance, inspection and testing of spill response equipment under the immediate control of the operator.

(B) Each plan shall describe the personnel available to respond to an oil spill, including:

1. a list by job category including a job description for each type of spill response position needed as indicated in the spill response organization scheme;
2. a match between personnel, by job category and the equipment proposed for use (including equipment appropriate for shallow-water environments), including the plan for mobilization of such personnel;
3. sufficient personnel to maintain a response effort of at least 14 days.

(C) Any equipment and personnel identified to meet the planning standard requirements must be available for response. Any necessary maintenance for the equipment, vacation periods for response personnel, or other eventuality must be taken into account in relying upon these resources.

1. The equipment owner must notify the Administrator when major equipment is removed from service for a period of 24 hours or more for maintenance or repair, if such movement would affect timely implementation of the plan. Notification must be made prior to removing equipment for regularly scheduled maintenance, and within 24 hours of removing equipment for unscheduled repairs.
2. The equipment owner must demonstrate that backup equipment is available during the time that the primary response equipment is out of service.

(3) (Reserved)

(4) Shoreline Protection and Clean-Up Strategies

(A) Utilizing the equipment that must be under contract, each plan shall describe the methods that will be used to contain spilled oil and remove it from the environment. The equipment identified for a specific area must be appropriate for use in that area given the limitations of the bathymetry, geomorphology, shoreline types and other local environmental conditions. Additionally, the equipment identified shall be appropriate for use on the type of oil identified. The description shall include:

1. all shoreline protection procedures and oil diversion and pooling procedures for the close-to-shore environment. These procedures shall include, where appropriate, methods for carrying out response operations and clean-up strategies in shallow-water environments, as identified in the trajectory analysis conducted as part of the Off-site Consequence Analysis;
2. methods for shoreside clean-up, including containment and removal of surface oil, subsurface oil and oiled debris and vegetation from all applicable shorelines, adjacent land and beach types.
3. measures to be taken to minimize damage to the environment from land operations during a spill response, such as impacts to sensitive shoreline habitat caused by heavy machinery or foot traffic.

(B) Protection, response and clean-up strategies will be specific to the type of oil spilled, the expected spill sites as identified in the Off-Site Consequence Analysis, and the resources at risk at those spill sites.

(C) Each plan must utilize all the strategies appropriate to the potential impact sites.

(f) Response Procedures

- (1) Each plan shall describe the organization of the marine facility's spill response system and management team. An organizational diagram depicting the chain of command shall also be included. Additionally, the plan shall

describe the method to be used to interface the plan holder's organization into the State Incident Command System and/or the Unified Command Structure as required by Title 8, California Code of Regulations, Subsection 5192(p)(8)(D)(2).

- (A) The plan holder may utilize the procedures outlined in the appropriate Area Contingency Plan as a reference when describing how the marine facility's chain of command will interface with the State Incident Command System which utilizes the Unified Command Structure.
 - (B) Each plan shall describe the organization of the plan holder's public information office, as it relates to an oil spill incident, and the method by which the Information Officer will be integrated into the State Incident Command System.
 - (C) Each plan shall describe the plan holder's safety program as it relates to an oil spill incident and the method by which their Safety Officer will be integrated into the State Incident Command System.
- (2) Each plan shall describe the process to establish sites needed for spill response operations, including location or location criteria for:
- (A) a central command post sufficient to accommodate the State Incident Command or Unified Command as well as the plan holder's response organization;
 - (B) a central communications post if located away from the command post;
 - (C) equipment and personnel staging areas.
- (3) Each plan shall include a checklist, flowchart or decision tree depicting the procession of each major stage of spill response operations from spill discovery to completion of clean up. The checklist, flowchart or decision tree shall describe the general order and priority in which key spill response activities are performed.
- (4) Each plan shall describe how the plan holder will provide emergency services before the arrival of local, state or federal authorities on the scene, including:
- (A) procedures to control fires and explosions, and to rescue people or property threatened by fire or explosion;
 - (B) procedures for emergency medical treatment and first aid;
 - (C) procedures to control ground, marine and air traffic which may interfere with spill response operations;
 - (D) procedures to manage access to the spill response site and the designation of exclusion, decontamination and safe zones; and
 - (E) procedures to provide the required personnel protective gear for responders.
- (5) Each plan shall describe equipment and procedures to be used by marine facility personnel to minimize the magnitude of a spill and minimize structural damage which may increase the quantity of oil spilled.
- (A) Spill mitigation procedures shall include immediate containment strategies, methods to stop the spill at the

source, methods to slow or stop leaks, and methods to achieve immediate emergency shutdown.

(B) For spill mitigation procedures the plan shall include prioritized procedures for marine facility personnel including specific procedures to shut down affected operations. Responsibilities of facility personnel should be identified by job title. A copy of these procedures should be maintained at the facility operations center. These procedures should address the following equipment and scenarios:

1. failure of manifold and mechanical loading arm, other transfer equipment, or hoses, as appropriate;
2. tank overfill;
3. tank failure;
4. pipe rupture;
5. pipe leak, both under pressure and not under pressure, if applicable;
6. explosion and/or fire; and
7. other equipment failure (e.g. pumping system failure, relief valve failure, etc.).

(6) Each plan shall detail the lines of communications between the responsible party, the Qualified Individual and the on-scene commanders, response teams, and local, state, and federal emergency and disaster responders, including:

(A) communication procedures;

(B) the communication function (e.g., ground-to-air) assigned to each channel or frequency used;

(C) the maximum broadcast range for each channel or frequency used; and

(D) redundant and back-up systems.

(7) Each plan shall provide for post-spill review, including methods to review both the effectiveness of the plan and the need for plan amendments.

(A) The result of the review shall be forwarded to the Administrator within 90 days following the completion of response and clean-up procedures.

(B) The review shall be used by the Administrator only for the purposes of proposing future amendments to the contingency plan.

(8) Each plan shall describe the procedures to manage access to the spill response site, the designation of exclusion, decontamination and safe zones, and the decontamination of equipment and personnel during and after oil spill response operations, as required by the California Occupational Safety and Health Administration.

(9) Prior to beginning spill response operations and/or clean up activities, a Site Safety Plan must be completed. Each plan shall include information as required pursuant to Title 8, Section 5192(b)(4)(B) of the California

Code of Regulations including, but not limited to, a written respiratory protection program, written personal protective equipment program, written health and safety training program, written confined space program and permit forms, direct reading instrument calibration logs, and written exposure monitoring program.

(g) Notification Procedures

(1) Each plan shall include a list of contacts to call in the event of a drill, threatened discharge of oil, or discharge of oil. The plan shall:

(A) detail the procedures for reporting oil spills to all appropriate local, state, and federal agencies;

(B) identify a central reporting office or individual who is responsible for initiating the notification process and is available on a 24-hour basis. The following information must be provided:

1. the individual or office to be contacted;
2. telephone number or other means of contact for any time of the day; and
3. an alternate contact in the event the individual is unavailable.

(C) establish a clear order of priority for notification.

(2) Immediate Notification

Nothing in this section shall be construed as requiring notification before response.

(A) Each plan shall include a procedure for contacting the primary OSRO, or other initial response resources if an OSRO is not being used, within 30 minutes of the discovery of a discharge of oil or threatened discharge of oil.

(B) Each plan shall include a procedure that ensures that the owner/operator or his/her designee will initiate contact with the Qualified Individual, the California Governor's Office of Emergency Services and the National Response Center immediately, but no longer than 30 minutes, after discovery of a discharge of oil or threatened discharge of oil.

(C) All phone numbers necessary to complete the immediate notification procedures must be included in the response manual.

(3) Each plan shall identify a call-out procedure to acquire the resources necessary to address spills that cannot be addressed by the equipment that the owner/operator is required to have under contract. Procedures must allow for initiation of the call-out within 24 hours of the incident and must begin as soon as a determination has been made that additional resources are necessary.

(4) Each plan shall provide a checklist of the information to be reported in the notification procedures, including but not limited to:

(A) marine facility name and location;

(B) date and time of the incident;

- (C) the cause and location of the spill;
- (D) an estimate of the volume of oil spilled and the volume at immediate risk of spillage;
- (E) the type of oil spilled, and any inhalation hazards or explosive vapor hazards, if known;
- (F) the size and appearance of the slick;
- (G) prevailing weather and sea conditions;
- (H) actions taken or planned by personnel on scene;
- (I) current condition of the marine facility;
- (J) injuries and fatalities; and
- (K) any other information as appropriate.

(5) Reporting of a spill as required by Subsection 817.02(g)(2) shall not be delayed solely to gather all the information required by Subsection 817.02(g)(4).

(6) An updated estimate of the volume of oil spilled and the volume at immediate risk of spillage shall be reported to the California Governor's Office of Emergency Services whenever a significant change in the amount reported occurs, but not less than every 12 hours within the first 48 hours of response. The State Incident Commander and/or the Federal On-Scene Coordinator through the Unified Command shall have the option of increasing or decreasing this timeframe, as needed. Updated spill volume information included in the Incident Action Plan developed through the Unified Command will meet the requirements of this subsection.

(h) Temporary Storage and Waste Management

(1) Each plan shall identify sufficient temporary storage for all recovered oil or all oily waste, and identify facilities that would be able to accept the recovered oil or oily waste for recycling or other means of waste management. Sufficient storage shall be no less than two times the calculated Response Planning Volume up to the Daily Recovery Rate as determined in Section 817.02(d)(3)(B).

(A) To meet the temporary storage requirement described in Subsection (1) above, the following amounts of storage shall be dedicated response resources (as defined in Section 815.05(c) of this subchapter) or OSRO-owned and controlled response resources (as defined in Section 815.05(k) of this subchapter), as applicable to the appropriate risk zone:

Sufficient storage to support the skimming systems shall be brought to the scene of the spill during the first four hours of response:

520 barrels of storage, or 20% of the reasonable worst case oil spill volume, whichever is less, shall be brought to the scene of the spill within four hours of notification of a spill;

12,000 barrels, or two times the reasonable worst case oil spill volume, whichever is less, shall be available at the scene of the spill within 6 hours of notification of a spill.

The balance of the temporary storage requirement described in Subsection (1) above may be provided by non-dedicated storage resources. All skimming systems operating at the scene of a spill shall have adequate storage.

- (2) Each plan shall identify the party that shall maintain responsibility for recovered oil and oily waste for the purposes of temporary storage.
- (3) Each plan shall describe site criteria and methods used for temporary storage of recovered oil and oily wastes generated during response and clean-up operations, including sites available within the marine facility, or near the spill area.
- (4) Each plan shall identify all applicable permits, and all federal, state and local agencies responsible for issuing those permits for transit, temporary storage and ultimate waste management of all wastes likely to result from an oil spill.
- (5) Each plan shall include information which could expedite the state approval process for the use of temporary waste storage sites, including a list of appropriate contacts and a description of procedures to be followed for each approval process.

(i) Oiled Wildlife Care Requirements

Each plan shall describe how oiled wildlife care will be provided by one of the following approved means:

- (1) Utilize the California Oiled Wildlife Care Network (OWCN) to meet oiled wildlife care requirements: or
- (2) describe procedures that clearly outline how oiled wildlife care will be provided. The equipment, facilities, and personnel necessary to implement these procedures must be identified and assured by contract for each Geographic Area covered by the plan. Standards for wildlife care must comply with all applicable State and federal laws.

(j) Training

- (1) Each plan shall provide that all appropriate personnel employed by the marine facility shall receive training in the use and operation of oil spill response and clean-up equipment. The plan shall describe:

(A) the type and frequency of training that each individual in a spill response position receives to achieve the level of qualification demanded by their job description;

(B) the procedures, if any, to train and use volunteers or other additional personnel in spill response operations as necessary for the size of the spill.

- (2) Each plan shall describe the type and frequency of personnel training on methods to reduce operational risks. The description of the training shall include, if applicable, the following:

(A) any established training objectives that address potential spill sources and causes that were identified in the Risk and Hazard Analysis.

(B) the means of achieving any established training objectives, such as:

1. training programs for the positions involved with the various aspects of the marine facility's operation that could result in a spill (e.g., position responsible for facility inspections or transfers);
2. a training schedule, including adequate frequency, (e.g., initial training upon hire and annual refresher training) and type of training (workshops, classroom, videotape, on-the-job training, etc.) for each position trained, by job classification;

(C) any licenses, certifications or other prerequisites required to hold particular jobs.

(D) A plan holder whose facility is subject to and in compliance with State Lands Commission training regulations, Title 2, Division 3, Chapter 1, Article 5.3, CCR Sections 2540 through 2548, shall be considered in compliance with the training provisions of this subsection.

- (3) Each plan shall provide for safety training as required by state and federal health and safety laws for all personnel likely to be engaged in oil spill response, including a program for training non-permanent responders such as volunteers or temporary help.
- (4) The marine facility owner/operator shall ensure that training records are maintained for 3 years. All such documentation must be made available to the Administrator upon request.

(k) Drills and Exercises - Type and Frequency

- (1) A marine facility owner/operator shall conduct drills and exercises as necessary to ensure that the elements of the plan will function in an emergency. Each plan shall describe the facility's drill and exercise program, including how the program assures shoreline protection strategies (for all environmentally sensitive sites identified as potentially impacted in the facility's Off-site Consequence Analysis) will be exercised, as outlined in Section 820.01(f) of this subdivision. The following are the necessary drill and exercise frequencies for all facilities, as consistent with the National Preparedness for Response Exercise Program (PREP):

(A) a quarterly drill of the notification procedures for marine facility personnel, the Qualified Individual, the OSROs, and the spill management team;

(B) a semiannual exercise to test the deployment of marine facility-owned equipment;

(C) a yearly tabletop exercise of the marine facility's spill management team.

- (2) Training sessions may constitute creditable drills and exercises if all requirements in Subsection 820.01 (b) through (f) are met.
- (3) A marine facility owner/operator shall ensure that all of the response resources identified in the plan participate in equipment deployment exercises at least once every three years.
- (4) Drills shall be designed to exercise either individual components of the plan or the entire response plan. Such drills, individually or in combination, shall ensure that the entire plan is exercised at least once every three years.

- (5) The marine facility owner/operator shall ensure that records sufficient to document a drill or exercise are maintained for three years following the completion of the drill or exercise. All such documentation must be made available to the Administrator upon request.

Note: Evaluation and credit criteria for drills and exercises are described in Section 820.01 of this subchapter.

Note: Authority cited: Sections 8670.7, 8670.10, 8670.28, 8670.29 and 8670.30, Government Code. Reference: Sections 8670.7, 8670.10, 8670.25.5, 8670.28, 8670.29, 8670.30, 8670.31, and 8670.37.51, Government Code.

817.03 SMALL MARINE FUELING FACILITY PLAN CONTENT

To the degree the information required by Subsections 817.03(b) through (k) exists elsewhere, copies of the pre-existing information may be submitted. If the information provided is not sufficient to meet the requirements of this subchapter, additional information may be requested by the Administrator.

(a) Introductory Material

- (1) Each plan shall provide the following information:

- (A) name and address of the small marine fueling facility (as defined in Section 790 of this subdivision), and mailing address if different. The name and address of the facility shall be referenced in the plan title or on a title page at the front of the plan;
- (B) name, address and phone number of the owner and/or operator of the small marine fueling facility;
- (C) name, address and phone number of the person to whom correspondence should be sent;
- (D) a certification statement signed under penalty of perjury by an executive within the plan holder's management who is authorized to fully implement the oil spill contingency plan, who shall review the plan for accuracy, feasibility, and executability. If this executive does not have training, knowledge and experience in the area of oil spill prevention and response, the certification statement must also be signed by another individual within the plan holder's management structure who has this requisite training, knowledge, and experience. The certification shall be submitted according to the following format:
- "I certify, to the best of my knowledge and belief, under penalty of perjury under the laws of the State of California, that the information contained in this contingency plan is true and correct and that the plan is both feasible and executable."
- (signature), (title), (date);
- (E) a copy of the California Certificate of Financial Responsibility (COFR) for the small marine fueling facility shall be included in the front of the plan. If the COFR is not available when the plan is submitted because the facility is not yet operational, a copy of the COFR must be provided as soon as it becomes available. The COFR must be provided before the plan can be approved.

- (2) Each plan shall identify a Qualified Individual, as defined in Chapter 1, Section 790 of this subdivision, and any alternates that may be necessary for the purpose of implementing the plan. If an alternate or alternates are identified in the plan, then the plan shall also describe the process by which responsibility will be transferred

from the Qualified Individual to an alternate. During spill response activities, notification of such a transfer must be made to the State Incident Commander at the time it occurs.

- (3) Each plan shall provide the name, address, telephone number and facsimile number of an agent for service of process designated to receive legal documents on behalf of the plan holder. Such agent shall be located in California.
- (4) Each plan shall contain a copy of the contract or other approved means (as defined in Section 815.05(b) of this subchapter), verifying that any oil spill response organization(s) that are named in the plan will provide the requisite equipment and personnel in the event of an oil spill. Plan holders shall only contract with an OSRO(s) that has received a Rating by OSPR (as specified in Section 819 of this subchapter) for the booming, on-water recovery and storage, and shoreline protection services required.

(b) Small Marine Fueling Facility Description

- (1) Each plan shall describe the small marine fueling facility's design and operations with specific attention to those areas from which an oil spill could occur. This description shall include, at a minimum, the following information:

- (A) For small marine fueling facilities (except for those mobile transfer units addressed under Subsection (B) below):

- 1. a piping and instrumentation diagram, and a tank diagram including the location of pumps, valves, vents and lines; the number, and oil storage capacity of each structure covered under the plan and its age, design, construction and general condition; the range of oil products normally stored in each structure; the presence or absence of containment structures and equipment; and the location of mooring areas, oil transfer locations, control stations, safety equipment, drip pans and the drainage for drip pans;

- (B) For mobile transfer units:

- 1. an instrumentation and tank diagram of the mobile transfer unit tankage and fueling components:

- (C) a description of the types, physical properties, health and safety hazards, maximum storage or handling capacity and current normal daily throughput of oil handled. A material safety data sheet (MSDS) or equivalent will meet this requirement and can be maintained separately at the small marine fueling facility providing the plan identifies its location;

- (D) a description of the normal procedures for transferring oil, and the amount, frequency and duration of the oil transfers; and

- (E) the small marine fueling facility's normal hours of operation.

(c) Prevention Measures

Each plan shall address prevention measures in order to reduce the possibility of an oil spill occurring as a result of an oil transfer. The prevention measures must eliminate or mitigate all the hazards identified in the Risk and Hazard Analysis.

(1) Risk and Hazard Analysis

(A) Each plan shall provide a history of the significant spills from the small marine fueling facility for either the 10 year period prior to the date of plan submittal, or from the date the facility became operational, whichever is shorter. As used in this section, a significant spill is one which had a deleterious impact on the local environment, or caused the physical layout of the facility or the facility's operations procedures to be modified. This information shall include:

1. a written description of sites, equipment or operations with a history of oil spills;
2. the cause and size of any historical spill. The causes to be considered shall include such factors as operator error, or a failure of the system or subsystem from which the spill occurred;
3. a brief summary of the impact of the spills; and
4. a description of the corrective actions taken in response to any and all spills included in the historical data.

(B) Each small marine fueling facility shall conduct a Risk and Hazard Analysis to identify the hazards associated with the operation of the small marine fueling facility, including operator error, the use of the facility by various types of vessels, equipment failure, and external events likely to cause an oil spill.

The owner/operator may use the "What-If Analysis" hazard evaluation method or an equivalent method identified by the American Institute of Chemical Engineers.

(C) The chosen hazard evaluation method must be conducted in accordance with the guidelines established by the American Institute of Chemical Engineers as published in the "Guidelines for Hazard Evaluation Procedures", second edition, copyright 1992, prepared for The Center For Chemical Process Safety.

1. The plan must include information regarding the expertise of the working group that develops the analysis.
2. The plan must include information that demonstrates to the Administrator that the analysis is appropriate to the small marine fueling facility and adequate according to the published procedures referenced in (C) above.
3. An owner/operator may be found in violation of this section if the Risk and Hazard Analysis does not adequately address the risks posed by the small marine fueling facility.
4. The Administrator may require that an analysis be updated if there are significant changes made to the small marine fueling facility. A significant change, as used in this paragraph, is one that would have an impact on the outcome of the Risk and Hazard Analysis.
5. Additional information regarding the analysis method used or the working group that conducted the analysis shall be made available to the Administrator upon request.

(D) Each plan shall include a summary of the results of the Risk and Hazard Analysis. The summary shall include the following:

1. the hazard analysis method used, and a statement that the analysis is specific to the small marine fueling facility. If the analysis relies on a risk assessment at a similar facility, the summary shall specify how the two facilities are comparable;
2. an inventory of the hazards identified, including the hazards that resulted in the historical spills;
3. an analysis of the potential oil discharges, including the size, frequency, cause, duration and location of all significant spills from the small marine fueling facility as a result of each major type of hazard identified;
4. the control measures that will be used to mitigate or eliminate the hazards identified. The plan shall include timeframes for implementing any control measures that cannot be functional immediately; and
5. a prediction of the potential oil spills that might still be expected to occur after any mitigating controls have been implemented.

(E) All supporting documentation used to develop the Risk and Hazard Analysis summary shall be made available to the Administrator upon request.

(2) Off-Site Consequence Analysis:

For the significant hazards identified in the Risk and Hazard Analysis required under this section, the small marine fueling facility (except for mobile transfer units, as defined in Chapter 1, Section 790 of this subdivision) shall conduct a trajectory analysis to determine the Off-Site Consequences of an oil spill. This analysis shall assume pessimistic water and air dispersion and other adverse environmental conditions such that the worst possible dispersion of the oil into the air or onto the water will be considered. This analysis is intended to be used as the basis for determining the areas and shoreline types for which response strategies must be developed. Some of the information required in this subsection may be drawn from the appropriate Area Contingency Plans completed by the Coast Guard, State Agencies, and Local Governments pursuant to the Oil Pollution Act of 1990. If information is available, the plan holder may make reference to that information (i.e., specify where the information can be found) and does not need to duplicate it in the plan. The analysis, which shall be summarized in the plan, shall include at least the following:

- (A) a trajectory, or series of trajectories, to determine the potential direction, rate of flow and time of travel of the reasonable worst case oil spill from the small marine fueling facility to marine waters and to the shorelines, including shallow-water environments, that may be impacted. For purposes of this requirement, a trajectory or trajectories (projected for a minimum of 72 hours) that determine the outer perimeter of a spill, based on regional extremes of climate, tides, currents and wind with consideration to seasonal differences, shall be sufficient;
- (B) for each probable shoreline that may be impacted, a discussion of the general toxicity effects and persistence of the discharge based on type of product; the effect of seasonal conditions on sensitivity of these areas; and an identification of which areas will be given priority attention if a spill occurs.

(3) Resources at Risk from Oil Spills:

Based on the trajectory of the spilled oil as determined in the Off-Site Consequence Analysis, each small

marine fueling facility plan (except for mobile transfer units, as defined in Chapter 1, Section 790 of this subdivision) shall identify the environmentally, economically and culturally sensitive areas that may be impacted. Each plan shall identify and provide a map of the locations of these areas. Some of the information required in this subsection may be drawn from the appropriate Area Contingency Plans completed by the Coast Guard, State Agencies, and Local Governments pursuant to the Oil Pollution Act of 1990. If information is available, the plan holder may make reference to that information (i.e., specify where the information can be found) and does not need to duplicate it in the plan.

(A) The map of environmentally sensitive areas shall include:

1. shoreline types and associated marine resources;
2. the presence of migratory and resident marine bird and mammal migration routes, and breeding, nursery, stopover, haul-out, and population concentration areas by season;
3. the presence of aquatic resources including marine fish, invertebrates, and plants including important spawning, migratory, nursery and foraging areas;
4. the presence of natural terrestrial animal and plant resources in marine-associated environments;
5. the presence of state or federally-listed rare, threatened or endangered species;
6. the presence of commercial and recreational fisheries including aquaculture sites, kelp leases and other harvest areas.

(B) The map of the locations of economically and culturally sensitive areas shall include:

1. public beaches, parks, marinas, boat ramps and diving areas;
2. industrial and drinking water intakes, power plants, salt pond intakes, and other similarly situated underwater structures;
3. off-shore oil and gas leases and associated drilling/production platforms;
4. known historical and archaeological sites;
5. areas of cultural or economic significance to Native Americans; and
6. the major waterways and vessel traffic patterns that are likely to be impacted.

(4) Required Prevention Measures

(A) Each small marine fueling facility shall implement all prevention measures to reduce or mitigate the potential hazards identified in the Risk and Hazard Analysis.

(B) In addition, each plan shall include the following:

1. schedules, methods and procedures for testing, maintaining and inspecting hoses, mobile transfer unit tankage and fueling components, and other structures within or appurtenant to the small marine fueling facility, that contain or handle oil which may impact marine waters if a failure occurs. Any information developed in compliance with Title 33 CFR, Part 154; Title 49 CFR, Part 195; and/or Title 5, Division 1, Part 1, Chapter 5.5 of the Government Code may be substituted for all or part of any comparable prevention measures required by this subsection;
2. methods to reduce spills during transfer and storage operations, including overfill prevention measures and immediate spill containment provisions. Any information developed in compliance with Title 2, CCR, Division 3, Chapter 1, Article 5.5; and/or Title 33 CFR, Parts 154 and 156 may be substituted for all or part of any comparable prevention measures required by this subsection;
3. procedures to assure clear communication among all the parties involved during transfer operations. Any information developed in compliance with Title 2, CCR, Division 3, Chapter 1, Article 5.5; Title 14, CCR, Division 1, Subdivision 4, Chapter 3, Subchapter 6; and/or Title 33 CFR, Parts 154 and 156 may be substituted for all or part of any comparable prevention measures required by this subsection;
4. the plan holder shall provide additional relevant information to the Administrator upon request.

(5) Other Prevention Measures

Each plan shall also identify and include a summary of those prevention measures required by other Federal, State or local agencies or which are currently in place and being utilized by the small marine fueling facility. The list of existing prevention measures shall include, but not be limited to, the following:

- (A) a description of any "risk reduction incentive programs" in place at the small marine fueling facility. A risk reduction incentive program is one designed to reduce factors leading to technical and human error, such as programs that reward accident-free periods in the workplace;
- (B) a description of leak detection and spill prevention safety and alarm systems, devices, equipment or procedures;
- (C) a description of automatic controls that can be operated remotely or pre-programmed to control normal processes, safety shutdown and emergency shutdown;
- (D) a description of the alcohol and drug testing programs for key personnel;
- (E) any additional prevention measures taken or contemplated to minimize the possibility of oil spills;
- (F) a description of any fencing, locks, lighting and other security or surveillance measures necessary to reduce vandalism, sabotage, or unauthorized entries.
- (G) The plan holder shall provide additional relevant information to the Administrator upon request.

(d) On-Water Containment and Recovery

Each plan must provide for the on-water containment and recovery of all potential oil spills from the small marine fueling facility. To determine the amount of containment and recovery capability that must be available, each small marine fueling facility must calculate a Response Planning Volume as outlined below:

(1) Reasonable Worst Case Spill

To calculate the Response Planning Volume, it is first necessary to determine the reasonable worst case spill size as follows:

(A) For small marine fueling facilities (except for mobile transfer units which are addressed in Subsection (B) below):

1. the amount of additional spillage that could reasonably be expected to enter California marine waters during emergency shut-off, transfer or pumping operations if each hose or pipeline ruptures or becomes disconnected, or if some other incident occurs which could cause or increase the size of an oil spill. The spillage shall be calculated as follows: the maximum time to discover the release from the pipe or hose in hours, plus the maximum time to shut down flow from the pipe or hose in minutes or hours (based on historic discharge data or the best estimate in absence of historic discharge data for the facility) multiplied by the maximum flow rate expressed in barrels per hour (based on the maximum relief valve setting or maximum system pressure when relief valves are not provided) plus the total linefill drainage volume expressed in barrels.

(B) For mobile transfer units:

1. the total tank storage capacity.

(C) The calculations, and such parameters as flow rates, linefill capacities and emergency shutoff times, that are used to determine a small marine fueling facility's reasonable worst case spill shall be submitted as part of the plan. The Administrator may review and test these parameters as part of the drill conducted in accordance with Subsection 816.03(b).

(2) Persistence and Emulsification Factors

(A) The reasonable worst case spill volume is then multiplied by a persistence factor relative to the most persistent type of oil that may be spilled. The persistence factors relative to the type of oil spilled, are specified below:

Oil Group	Group 1	Group 2	Group 3	Group 4
On-Water Volumes	.20	.50	.50	.50

(B) Emulsification Factors

The volume determined from the calculation in Subparagraph (A) is then multiplied by one of the following emulsification factors, again, based on the type of oil.

Oil Group	Group 1	Group 2	Group 3	Group 4
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Emulsification	1.0	1.8	2.0	1.4

(C) Response Planning Volume

The total determined by the above calculation is a Response Planning Volume.

1. The Response Planning Volume is used to determine the amount of Response Equipment and Services that must be under contract.
2. All calculations used to determine the Response Planning Volume shall be included in the plan.

(3) Response Capability Standards

The standards set forth in this section are only planning standards and may not reflect the exigencies of actual spill response. However, these are the standards that must be used to determine the amount of equipment and personnel that must be under contract. Equipment in addition to that under contract must be identified, and a call-out procedure in place to access this equipment, if the small marine fueling facility has a spill that exceeds these planning standards. The owner/operator is ultimately responsible for addressing the entire volume of an actual spill regardless of the planning standards.

(A) Total Equipment Required

1. The total amount of on-water containment and recovery equipment and services required shall be the amount necessary to address the Response Planning Volume determined in Sections 817.03(d)(1) & (2) as follows:
 - i. sufficient on-water containment and recovery equipment and services to respond to 50% of the calculated Response Planning Volume within two hours of notification.
 - ii. sufficient on-water containment and recovery equipment and services to respond to the remaining 50% of the calculated Response Planning Volume within 12 hours of notification.
2. The timeframes for equipment delivery and deployment as specified in this subsection do not take into account the time required to conduct a health and safety assessment of the site as set forth in Subsection 817.03(f)(6), and as required by the California Occupational and Safety Administration. In addition, these timeframes do not account for delays that may occur due to weather or seastate. The actual time necessary to deliver and deploy equipment will be assessed at the time of an incident or a drill and will take into account the prevailing conditions of weather and seastate, as well as the site assessment requirements.

(4) Transfer Operations

Each plan shall demonstrate that the small marine fueling facility owns or has access to sufficient and appropriate boom, trained personnel and equipment, maintained in a stand-by condition, such that at least 600 feet of boom can and will be deployed immediately for containment of persistent oil (i.e., Group 2, 3, 4, or 5) upon discovery of a spill.

(5) On-Water Response Equipment and Services

(A) Each plan shall demonstrate that the small marine fueling facility owns or has under contract or other

approved means (as defined in Section 815.05(b) of this subchapter), access to all the necessary equipment, services, and personnel to comply with the Response Capability Standards established in Subsection 817.03(d). The amount of response equipment required shall take into account the derated capacity (as defined in Chapter 1, Section 790 of this subdivision) of the oil recovery equipment.

(B) The equipment identified for a specific area must be appropriate for use in that area given the limitations of the geography, bathymetry, water depths, tides, currents and other local environmental conditions. For those areas that require shallow-water response capability (refer to the relevant Coast Guard Area Contingency Plan), the plan shall provide for an adequate number of shallow-draft vessels (as defined in Section 815.05 of this subchapter) and for adequate booming and other shoreline protective resources to be under contract and available to respond to provide shoreline protection of all sensitive sites identified in the trajectory analysis conducted as part of the Off-site Consequence Analysis. Additionally, the equipment identified shall also be appropriate for use on the type of oil identified. The following information must be provided:

1. the location, inventory and ownership of the equipment to be used to fulfill the response requirements of this subchapter;
2. the type and capacity of storage and transfer equipment matched to the skimming capacity of the recovery systems;
3. the manufacturer's rated capacities and the operational characteristics for each major item of oil recovery equipment;
4. the derated capacity (as defined in Chapter 1, Section 790 of this subdivision) for each major piece of on-water recovery equipment listed, as well as the derated capacity for the skimming systems as a whole.
 - i. A request may be submitted to the Administrator to review the derated capacity for a piece of equipment if it can be shown that the equipment has a different capacity than the derating factor allows.
 - ii. The Administrator's decision regarding a change in the derated capacity for a piece of equipment will be issued as soon as administratively feasible.
5. vessels designated for oil recovery operations, including skimmer vessels and vessels designed to tow and deploy boom and availability of shallow-draft vessels;
6. procedures for storage, maintenance, inspection and testing of spill response equipment under the immediate control of the operator;

(6) On-Water Response and Recovery Strategies

Utilizing the equipment that is owned or under contract, each plan shall describe methods to contain spilled oil and remove it from the environment. The equipment identified for a specific area must be appropriate for use in that area given the limitations of the bathymetry, geomorphology, shoreline types and other local environmental conditions. Additionally, the equipment shall be appropriate for use on the type of oil identified.

(e) Shoreline Protection and Clean-up

Each plan must provide for shoreline protection and clean-up of all potential spills from the small marine fueling facility. The equipment identified for a specific area must be appropriate for use in that area given the limitations of the bathymetry, geomorphology, shoreline types and other local environmental conditions. Additionally, the equipment identified shall be appropriate for use on the type of oil identified.

(f) Response Procedures

- (1) Each plan shall describe the organization of the small marine fueling facility's spill response management team. An organizational diagram depicting the chain of command shall also be included. Additionally, the plan shall describe the method to be used to interface the plan holder's organization into the State Incident Command System and/or the Unified Command Structure as required by Title 8, California Code of Regulations, Subsection 5192(p)(8)(D)(2).
 - (A) The plan holder may utilize the procedures outlined in the appropriate Federal Area Contingency Plan when describing how the small marine fueling facility's chain of command will interface with the State Incident Command System which utilizes the Unified Command Structure.
- (2) Each plan shall describe how the plan holder will provide emergency services before the arrival of local, state or federal authorities on the scene, including:
 - (A) procedures to control fires and explosions, and to rescue people or property threatened by fire or explosion;
 - (B) procedures for emergency medical treatment and first aid;
- (3) Each plan shall include a checklist, flowchart or decision tree depicting the procession of each major stage of spill response operations from spill discovery to completion of clean-up. The checklist, flowchart, or decision tree shall describe the general order and priority in which key spill response activities are performed.
- (4) Each plan shall describe equipment and procedures to be used by small marine fueling facility personnel to minimize the magnitude of a spill and minimize structural damage which may increase the quantity of oil spilled.
 - (A) Spill mitigation procedures shall include immediate containment strategies, methods to stop the spill at the source, methods to slow or stop leaks, and methods to achieve immediate emergency shutdown.
- (5) Each plan shall provide for post-spill review, including methods to review both the effectiveness of the plan and the need for plan amendments.
 - (A) The result of the review shall be forwarded to the Administrator within 90 days following the completion of response and clean-up procedures.
 - (B) The review shall be used by the Administrator only for the purposes of proposing future amendments to the contingency plan.
- (6) Prior to beginning spill response operations and/or clean-up activities, a Site Safety Plan must be completed. Each plan shall describe the procedures to be used for the development of the Site Safety Plan required pursuant to Title 8, Section 5192(b)(4)(B) of the California Code of Regulations.

(g) Notification Procedures

(1) Each plan shall include a list of contacts to call in the event of a drill, threatened discharge of oil, or discharge of oil. The plan shall:

- (A) detail the procedures for reporting oil spills to all appropriate local, state, and federal agencies;
- (B) identify a central reporting office or individual who is responsible for initiating the notification process and is available on a 24-hour basis. The following information must be provided:
 - 1. the individual or office to be contacted;
 - 2. telephone number or other means of contact for any time of the day; and
 - 3. an alternate contact in the event the individual is unavailable.
- (C) establish a clear order of priority for notification.

(2) Immediate Notification

Nothing in this section shall be construed as requiring notification before response.

- (A) Each plan shall include a procedure for contacting the primary OSRO, or other initial response resources if an OSRO is not being used, within 30 minutes of the discovery of a discharge of oil or threatened discharge of oil.
 - (B) Each plan shall include a procedure that ensures that the owner/operator or his/her designee will initiate contact with the Qualified Individual, the California Governor's Office of Emergency Services and the National Response Center immediately, but no longer than 30 minutes, after discovery of a discharge of oil or threatened discharge of oil.
 - (C) All phone numbers necessary to complete the immediate notification procedures must be included in the response manual.
- (3) Each plan shall identify a call-out procedure to acquire the resources necessary to address spills that cannot be addressed by the equipment that the owner/operator owns or has under contract. Procedures must allow for initiation of the call-out within 24 hours of the incident and must begin as soon as a determination has been made that additional resources are necessary.
- (4) Each plan shall provide a checklist of the information to be reported in the notification procedures, including but not limited to:
- (A) small marine fueling facility name and location;
 - (B) date and time of the incident;
 - (C) the cause and location of the spill;
 - (D) an estimate of the volume of oil spilled and the volume at immediate risk of spillage;

(E) the type of oil spilled, and any inhalation hazards or explosive vapor hazards, if known;

(F) the size and appearance of the slick;

(G) prevailing weather and sea conditions;

(H) actions taken or planned by personnel on scene;

(I) current condition of the small marine fueling facility;

(J) injuries and fatalities; and

(K) any other information as appropriate.

(5) Reporting of a spill as required by Subsection 817.03(g)(2) shall not be delayed solely to gather all the information required by Subsection 817.03(g)(4).

(6) An updated estimate of the volume of oil spilled and the volume at immediate risk of spillage shall be reported to the California Governor's Office of Emergency Services whenever a significant change in the amount reported occurs, but not less than every 12 hours within the first 48 hours of response. The State Incident Commander and/or the Federal On-Scene Coordinator through the Unified Command shall have the option of increasing or decreasing this timeframe, as needed. Updated spill volume information included in the Incident Action Plan developed through the Unified Command will meet the requirements of this subsection.

(h) Temporary Storage and Waste Management

(1) Each plan shall identify sufficient temporary storage for all recovered oil or all oily waste, and identify facilities that would be able to accept the recovered oil or oily waste for recycling or other means of waste management. Sufficient storage shall be no less than two times the calculated Reasonable Worst Case Spill volume as determined in Section 817.03(d)(1).

(2) Each plan shall identify the party that shall maintain responsibility for recovered oil and oily waste for the purposes of temporary storage.

(3) Each plan shall describe site criteria and methods used for temporary storage of recovered oil and oily wastes generated during response and clean-up operations, including sites available within the small marine fueling facility or near the spill area.

(4) Each plan shall identify all applicable permits, and all federal, state and local agencies responsible for issuing those permits for transit, temporary storage and ultimate waste management of all wastes likely to result from an oil spill.

(5) Each plan shall include information which could expedite the state approval process for the use of temporary waste storage sites, including a list of appropriate contacts and a description of procedures to be followed for each approval process.

(i) Oiled Wildlife Care Requirements

Each plan shall describe how oiled wildlife care will be provided by one of the following approved means:

- (1) Utilize the California Oiled Wildlife Care Network (OWCN) to meet oiled wildlife care requirements: or
- (2) describe procedures that clearly outline how oiled wildlife care will be provided. The equipment, facilities, and personnel necessary to implement these procedures must be identified and assured by contract for each Geographic Area covered by the plan. Standards for wildlife care must comply with all applicable State and federal laws.

(j) Training

- (1) Each plan shall provide that all appropriate personnel employed by the small marine fueling facility shall receive training in the use and operation of oil spill response and clean-up equipment. The plan shall describe:
 - (A) the type and frequency of training that each individual in a spill response position receives to achieve the level of qualification demanded by their job description;
 - (2) Each plan shall describe the type and frequency of personnel training on methods to reduce operational risks. The description of the training shall include, if applicable, the following:
 - (A) any established training objectives that address potential spill sources and causes that were identified in the Risk and Hazard Analysis.
 - (B) the means of achieving any established training objectives, such as:
 1. a training schedule, including adequate frequency, (e.g., initial training upon hire and annual refresher training) and type of training (workshops, classroom, videotape, on-the-job training, etc.) for each position trained;
 - (C) any licenses, certifications or other prerequisites required to hold particular jobs.
 - (D) A plan holder whose small marine fueling facility is subject to and in compliance with State Lands Commission training regulations, Title 2, Division 3, Chapter 1, Article 5.3, CCR Sections 2540 through 2548, shall be considered in compliance with the training provisions of this subsection.
- (3) Each plan shall provide for safety training as required by state and federal health and safety laws for all personnel likely to be engaged in oil spill response, including a program for training non-permanent responders such as volunteers or temporary help.
- (4) The small marine fueling facility owner/operator shall ensure that training records are maintained for three years. All such documentation must be made available to the Administrator upon request.

(k) Drills and Exercises - Type and Frequency

- (1) A small marine fueling facility owner/operator shall conduct drills and exercises as necessary to ensure that the elements of the plan will function in an emergency. Each plan shall describe the facility's drill and exercise program, including how the program assures shoreline protection strategies (for all environmentally sensitive sites identified as potentially impacted in the facility's Off-site Consequence Analysis) will be exercised, as outlined in Section 820.01(f). The following are the necessary drill and exercise frequencies for all small marine

fueling facilities as consistent with the National Preparedness for Response Exercise Program (PREP) guidelines:

- (A) a quarterly drill of the notification procedures for facility personnel, the Qualified Individual, the OSROs, and the spill management team;
- (B) a semiannual exercise to test the deployment of facility-owned equipment;
- (C) a yearly tabletop exercise of the facility's spill management team.

- (2) Drills shall be designed to exercise either individual components of the plan or the entire response plan. Such drills, individually or in combination, shall ensure that the entire plan is exercised at least once every three years.
- (3) The facility owner/operator shall ensure that records sufficient to document a drill or exercise are maintained for three years following the completion of the drill or exercise. All such documentation must be made available to the Administrator upon request.

Note: Evaluation and credit criteria for drills and exercises are described in Section 820.01.

Note: Authority cited: Sections 8670.7, 8670.28, 8670.29 and 8670.30, Government Code. Reference: Sections 8670.7, 8670.10, 8670.25.5, 8670.28, 8670.29, 8670.30, 8670.31, and 8670.37.51, Government Code.

818. VESSEL CONTINGENCY PLANS

818.01 APPLICABILITY

(a) Plans

Unless vessels are exempt as provided in Subsection (b) below, oil spill contingency plans shall be prepared, submitted and used pursuant to the requirements of this section by all tankers and barges which transit in the marine waters (as defined in Section 815.05 of this subchapter) of California, or conduct business in the state. Business in the state would include such transactions as lightering operations off the coast of California.

(b) Exemptions

- (1) This subchapter shall not apply to a tanker or barge that enters the marine waters of the state because of imminent danger to the crew, or in an effort to prevent an oil spill or other harm to public safety or the environment. This exemption applies if the following are met:

- (A) the operator and crew comply with all orders given by the Administrator or his/her designee, unless the orders are contradicted by orders from the Coast Guard;
- (B) except for fuel, oil may be transferred to or from the vessel only if permission is obtained from the Administrator and one of the following conditions is met:

- 1. the transfer is necessary for the safety of the crew; or
- 2. the transfer is necessary to prevent harm to public safety or the environment; or

3. a contingency plan is approved or made applicable to the vessel.

(C) the vessel shall leave the marine waters of the state as soon as it is safe to do so, unless a contingency plan is approved or made applicable to its operation.

(2) Operation Without a Plan

(A) For the purposes of this subsection, 818.01(b)(2) only, "tanker" is defined as a tanker or barge that will be used by other vessels for bunkering and/or lightering operations.

(B) A vessel may enter marine waters without an approved contingency plan if the Administrator approves entrance under the plan of the terminal or tanker that is the destination of the vessel. The Administrator's approval can be communicated by telephone or facsimile and is subject to the following:

1. the operator of the terminal or tanker provides the Administrator with advance written assurance that the operator assumes full responsibility for the vessel while it is traveling to or from the terminal or tanker. Such assurance may be delivered by hand, by mail or by facsimile. If delivered by facsimile the original must follow;
2. the contingency plan includes all conditions pertinent to a vessel;
3. the vessel meets all the requirements of the terminal or tanker's contingency plan; and,
4. the vessel has not made a similar entrance into marine waters in the preceding 12 month period.

(C) A vessel in marine waters pursuant to Subsection 818.01(b)(2) shall be operated in accordance with the vessel's operations manual. In the event of an oil spill, the vessel operator shall comply with the directions of the Administrator and the applicable contingency plan of the terminal or tanker.

(3) Response Vessels

Contingency plans are not required for dedicated response vessels, which are those vessels that are dedicated to conducting response activities for an oil spill incident exclusively.

(4) Innocent Passage

Contingency plans are not required for vessels engaged in innocent passage within the marine waters of California.

Note: Authority cited: Section 8670.28, Government Code. Reference: Sections 8670.30, 8670.33, and 8670.34, Government Code.

818.02 VESSEL PLAN CONTENT (EXCEPT FOR THOSE VESSELS CARRYING OIL AS SECONDARY CARGO ADDRESSED IN SECTION 818.03 OF THIS SUBCHAPTER)

To the degree the information required by Subsections 818.02(b) through (m) exists elsewhere, copies of the pre-existing information may be submitted. If the information provided is not sufficient to meet the requirements of this subchapter, additional information may be requested by the Administrator.

(a) Introductory Material

(1) Each plan shall provide the following information for each vessel covered by the plan:

- (A) the vessel's name, country of registry, call sign, official identification number, and Lloyd's identification number;
- (B) name, address and phone number of the owner and/or operator of the vessel(s). This information shall be referenced in the plan title or on a title page at the front of the plan;
- (C) the name, address and phone number of the person to whom correspondence should be sent;
- (D) the vessel's classification, hull type, gross registered tonnage (GRT), maximum cargo amounts, length, draft and beam;
- (E) a certification statement signed under penalty of perjury by an executive within the plan holder's management who is authorized to fully implement the oil spill contingency plan, who shall review the plan for accuracy, feasibility, and executability. If this executive does not have training, knowledge and experience in the area of oil spill prevention and response, the certification statement must also be signed by another individual within the plan holder's management structure who has this requisite training, knowledge, and experience. The certification shall be submitted according to the following format;

"I certify, to the best of my knowledge and belief, under penalty of perjury under the laws of the State of California, that the information contained in this contingency plan is true and correct and that the plan is both feasible and executable."

(signature), (title), (date);

- (F) a copy of the California Certificate of Financial Responsibility (COFR) for the vessel(s) covered by the plan shall be included in the front of the plan, or for fleet plans shall be indexed separately in a subsection of the plan.
- (2) Each plan shall identify a Qualified Individual, as defined in Chapter 1, Section 790 of this subdivision, and any alternates that may be necessary for the purpose of implementing the plan. If an alternate or alternates are identified in the plan, then the plan shall also describe the process by which responsibility will be transferred from the Qualified Individual to an alternate. During spill response activities, notification of such a transfer must be made to the State Incident Commander at the time it occurs.
 - (3) Each plan shall provide the name, address, telephone number and facsimile number of an agent for service of process designated to receive legal documents on behalf of the plan holder. Such agent shall be located in California.
 - (4) Each plan shall contain a copy of the contract or other approved means (as defined in Section 815.05(b) of this subchapter), verifying that any oil spill response organization(s) that are named in the plan will provide the requisite equipment and personnel in the event of an oil spill. This requirement can be met by a copy of the basic written agreement with an abstract of the recovery and/or clean-up capacities covered by the contract. Plan holders shall only contract with an OSRO(s) that has received a Rating by OSPR (as specified in Section 819 of this subchapter) for the booming, on-water recovery and storage, and shoreline protection services required.

(b) Vessel Description

- (1) Each plan shall describe the vessel's design and operations with specific attention to those areas from which a spill could reasonably be expected to impact the marine waters of California. This description shall include, at a minimum, the following information:
 - (A) a piping and tank diagram including the location of valves, vents and lines; the age, design, and construction of the vessel; the range of oil products normally carried in each structure; and safety equipment;
 - (B) a description of the types, physical properties, health and safety hazards and maximum storage or handling capacity of the oil or product carried. A material safety data sheet (MSDS) or equivalent will meet this requirement and can be maintained separately aboard the vessel providing the plan identifies its location.

(c) Prevention Measures

- (1) Each plan holder shall take all appropriate prevention measures designed to reduce the possibility of an oil spill occurring as a result of collisions, groundings, explosions or operator error during the operation of the vessel. Each plan shall include a summary of the policies, programs, guidelines and/or procedures designed to implement the following:
 - (A) methods to reduce spills during transfer and storage operations, including overfill prevention measures, and immediate spill containment provision. Any information developed in compliance with Title 33 CFR, Parts 154 and 156 may be substituted for all or part of any comparable prevention measures required by this subsection;
 - (B) procedures to assure clear communication among all the parties involved during transfer operations;
 - (C) use of vessel traffic service systems where available;
 - (D) procedures to be used to avoid the known navigational hazards;
 - (E) Where a plan holder's vessel is engaged in transfer operations at a facility subject to Public Resources Code 8755, and the plan holder is in compliance with State Lands Commission regulations for oil transfer operations, the plan holder shall be considered in compliance with the provisions of this subsection.
 - (F) The plan holder shall provide additional relevant information to the Administrator upon request.
- (2) Each plan shall also provide a summary of those prevention measures, or operational policies, guidelines and procedures which are currently in place to meet the requirements of other International, Federal, State or local agencies. Each plan shall also summarize any other prevention measures being utilized by vessel personnel. The list of existing prevention measures shall include, but not be limited to, the following:
 - (A) a description of any "risk reduction incentive programs". A risk reduction incentive program is one designed to reduce factors leading to technical and human error, such as programs that reward accident-free periods in the workplace;
 - (B) a description of leak detection and spill prevention safety and alarm systems, devices, equipment or procedures;

- (C) a description of automatic controls that can be operated remotely or pre-programmed to control normal processes, safety shutdown and emergency shutdown;
- (D) a description of the alcohol and drug testing programs for key personnel;
- (E) those measures implemented in compliance with regulations adopted by the State Lands Commission under Public Resources Code 8755 governing operations of a vessel while at a marine terminal;
- (F) any additional prevention measures taken or contemplated to minimize the possibility of oil spills;
- (G) a description of any security measures.
- (H) The plan holder shall provide additional relevant information to the Administrator upon request.

- (3) At the time the initial contingency plan is submitted, the owner/operator shall either submit a Certificate Of Inspection (COI) issued by the USCG, or a certificate issued by a member of the International Association of Classification Societies certified by the International Maritime Organization (IMO) of the most recent vessel inspection, or verify that the vessel has such a certificate and that the certificate is available for review.
- (4) The owner/operator shall also submit a Safety Management Certificate to demonstrate compliance with the performance elements in the International Safety Management (ISM) Code subject to IMO Resolution A.741(18), or shall submit proof of compliance with the American Waterways Operators (AWO) Responsible Carrier Program, if applicable.

(d) Planning for the Location of Response Resources

The owner/operator must be prepared to respond to a spill anywhere within the marine waters of California. To determine the regions in which response equipment and personnel must be available it is first necessary to determine those areas of likely spill impact, as follows;

(1) Navigational Hazard Analysis

Each plan holder must conduct a Navigational Hazard Analysis for those areas the vessel transits within the marine waters of California. (Note: where maps/diagrams are required they may be submitted (in addition to the original hard copy) on electronic media, in Portable Document Format (PDF).) Such an analysis shall include the following;

- (A) a description of the vessel's normal routes of travel including a list of each of the six Geographic Regions that the vessel transits along these routes;
- (B) an analysis of the navigational hazards along the vessel's normal routes of travel. This analysis shall be specific to each of the six Geographic Regions, where applicable. The plan shall include a summary of the results of this analysis which shall include the following:
 - 1. a list of those hazards identified such as bars, off-shore structures, harbor entrances, areas of significant traffic congestion, hazards specific to the regular ports of call, and hazards associated with principal transfer operations;

2. a review, based on proximity to shore and the availability of stand-by towing and/or other support capability, of those situations where a loss of power, navigational ability or other significant incidents may result in groundings, collisions, strandings, or explosions.

(C) Each plan shall provide historical information on significant spills from the vessel including the vessel while operated under different names by the current owner, and to the extent known, by prior owners and under different names. As used in this section, a significant spill is one which had an impact on the marine waters of the state, or caused the physical layout of the vessel or the vessel's operations procedures to be modified. This information shall include:

1. a written description of the spill event(s);
2. the cause of any historical spill, including operator error, or a failure analysis of the system or subsystem in which the failure occurred;
3. a brief summary of the impact of the spill(s);
4. a description of the corrective actions taken in response to any and all spills included in the historical data.

(2) Environmental Consequence Analysis

(A) For the significant hazards identified in the Navigational Hazard Analysis, the vessel shall conduct a trajectory analysis to determine the environmental consequences of an oil spill. This analysis shall apply to the reasonable worst case spill volume and shall assume pessimistic water and air dispersion and other adverse environmental conditions. This analysis is intended to be used as the basis for determining those areas and shoreline types for which response strategies must be developed. Some of the information required in this subsection may be drawn from the appropriate Area Contingency Plans completed by the Coast Guard, State Agencies, and Local Governments pursuant to the Oil Pollution Act of 1990. (Note: where maps/diagrams are required they may be submitted (in addition to the original hard copy) on electronic media, in Portable Document Format (PDF).) The analysis shall include at least the following:

1. a trajectory to determine the potential direction, rate of flow and time of travel of the reasonable worst case oil spill from the vessel to the shorelines, including shallow-water environments, that may be impacted. For purposes of this requirement, a trajectory or trajectories (projected for a minimum of 72 hours) that determine the outer perimeter of a spill, based on regional extremes of climate, tides, currents and wind with consideration to seasonal differences, shall be sufficient;
2. for each probable shoreline that may be impacted, a discussion of the general toxicity effects and persistence of the discharge, based on type of product; the effect of seasonal conditions on sensitivity of these areas; and an identification of which areas will be given priority attention if a spill occurs.

(3) Resources at Risk from Oil Spills

Based on the trajectory of the spilled oil, as determined in the Environmental Consequence Analysis, each plan shall identify the environmentally, economically and culturally sensitive areas that may be impacted. Each plan shall identify and provide a map of the locations of these areas. Some of the information required in this subsection may be drawn from the appropriate Area Contingency Plans completed by the Coast Guard, State

Agencies, and Local Governments pursuant to the Oil Pollution Act of 1990. (Note: where maps/diagrams are required they may be submitted (in addition to the original hard copy) on electronic media, in Portable Document Format (PDF).)

(A) The map of environmentally sensitive areas shall include:

1. shoreline types and associated marine resources;
2. the presence of migratory and resident marine bird and mammal migration routes, and breeding, nursery, stopover, haul-out, and population concentration areas by season;
3. the presence of aquatic resources including marine fish, invertebrates, and plants including important spawning, migratory, nursery and foraging areas;
4. the presence of natural terrestrial animal and plant resources in marine-associated environments;
5. the presence of state or federally-listed rare, threatened or endangered species; and
6. the presence of commercial and recreational fisheries including aquaculture sites, kelp leases and other harvest areas.

(B) The map of the locations of economically and culturally sensitive areas shall indicate:

1. public beaches, parks, marinas, boat ramps and diving areas;
2. industrial and drinking water intakes, power plants, salt pond intakes, and other similarly situated underwater structures;
3. intertidal and subtidal drilling leases;
4. known historical and archaeological sites. If a plan holder has access to any confidential archaeological information, it must be submitted as a separate item and will be handled as confidential information as outlined in Subsection 816.01(d);
5. areas of cultural or economic significance to Native Americans; and
6. major waterways and vessel traffic routes that are likely to be impacted.

(e) On-Water Containment and Recovery

Each plan must provide for the on-water containment and recovery of all potential spills from the vessel that could reasonably be expected to impact the marine waters of California. Additionally, each plan must also demonstrate response capability sufficient to address potential spills in each Geographic Region through which the vessel may transit. To determine the amount of containment and recovery capability that must be available, each vessel must calculate a Response Planning Volume as outlined below:

(1) Reasonable Worst Case Spill

To calculate the Response Planning Volume, it is first necessary to determine the reasonable worst case spill for each vessel. The reasonable worst case spill is calculated as 25% of the vessel's total cargo capacity.

(2) Persistence and Emulsification Factors

(A) The reasonable worst case spill volume is then multiplied by a persistence factor relative to the most persistent type of oil that may be spilled. The persistence factors relative to the type of oil spilled, are specified below:

Oil Group	Group 1	Group 2	Group 3	Group 4
On-Water Volumes	.20	.50	.50	.50

(B) Emulsification Factors:

The volume determined from the calculation above is then multiplied by one of the following emulsification factors, again, based on the type of oil.

Oil Group	Group 1	Group 2	Group 3	Group 4
Emulsification	1.0	1.8	2.0	1.4

(C) Response Planning Volume

The total determined by this calculation is a Response Planning Volume.

1. The Response Planning Volumes to be used to determine the amount of equipment and services required shall be the greater of the amount necessary to address the Response Planning Volume as calculated in Subsections 818.02(e)(1) - (2) or the Planning Volume for On-water Recovery for Inland/Nearshore Environment calculated for the vessel's federal response plan prepared pursuant to 33 CFR, Part 155, Appendix B. The Planning Volume for On-water Recovery is the Adjusted Volume from the federal calculations determined prior to establishing response tiers utilizing the mobilization factors;

2. the calculations used to determine the Response Planning Volume shall be included in the plan.

(3) Response Capability Standards

The equipment and personnel necessary to address the Response Planning Volume is brought to the scene of the spill over a period of time. The timeframes are dependent upon the risk zone in which the vessel is located and is specified in the tables in this subsection.

The standards set forth in this section are only planning standards and may not reflect the exigencies of actual spill response. However, these are the standards that must be used to determine the amount of equipment and personnel that must be under contract. Equipment in addition to that under contract must be identified and a call-out procedure in place to access this equipment if the vessel has a spill that exceeds these planning standards. The owner/operator is ultimately responsible for addressing the entire volume of an actual spill regardless of the planning standards.

(A) Total Equipment Required

1. The total amount of on-water containment and recovery equipment and services required shall be the lesser of the amount necessary to address the Daily Recovery Rates established in Subsection

818.02(e)(3)(B) or the Response Planning Volume determined in Subsection 818.02(e)(2)(C).

2. The amount of equipment and the timeframes for delivery are specified in Subsection 818.02(e)(3)(B). The barrels per day capability figure is the total amount of on-water recovery equipment that must be at the scene of the spill at the hour specified which is measured from the time of notification, as described in this subchapter. All on-water recovery equipment must be capable of being deployed and operable within one hour of arrival at the scene of the spill but no later than the designated timeframe for each risk zone.
3. The timeframes for equipment delivery and deployment as specified in this subsection do not take into account the time required to conduct a health and safety assessment of the site as set forth in Subsection 818.02(g)(9), and as required by the California Occupational and Safety Administration. In addition, these timeframes do not account for delays that may occur due to weather or seastate. The actual time necessary to deliver and deploy equipment will be assessed at the time of an incident or a drill and will take into account the prevailing conditions of weather and seastate, as well as the site assessment requirements.

(B) Daily Recovery Rate

1. Vessels that transit in High-Volume Ports.

DELIVERY TIME (HRS)	12	24	36	60
BBLS/DAY CAPABILITY	23,437	31,250	46,875	78,125

- i. Vessels that transit: 1) inward of the inland line of demarcation as described in 33 CFR, Section 80.1142 for San Francisco harbor, and 2) inwards of a six nautical mile radius of Long Beach Light (LLNR 3025) [33-43.4N, 118-11.2W] outside the entrance to the Los Angeles/Long Beach Harbors on the Los Angeles and Long Beach Harbor Chart #18751, shall have the initial 23,437 bbls/day on-water recovery capability at the scene of the spill within six hours.
 - ii. in addition, at the facility/transfer points or during transfers at anchorage designations within the High Volume Ports, there must be 3,125 barrels/day, or 10% of the vessel's cargo capacity, whichever is less, of on-water recovery capability that can be mobilized and on-scene within two hours of notification;
 - iii. if a facility/transfer point within a High Volume Port maintains and can immediately deploy containment equipment for a 3,125 barrel spill, or 10% of the vessel's cargo capacity, whichever is less, the initial on-water recovery capability can be on-scene within three hours rather than two hours.
2. Vessels Operating in Facility/Transfer Areas or the Santa Barbara Channel Area.

DELIVERY TIME (HRS)	12	36	60
BBLS/DAY CAPABILITY	19,531	35,156	66,406

- i. in addition, at the facility/transfer points within the Facility/Transfer Areas and the Santa Barbara Channel Area there must be 3,125 barrels/day, or 10% of the vessel's cargo capacity, whichever is less, of on-water recovery capability that can be mobilized and on-scene within two hours of notification;
- ii. if a facility/transfer point within a Facility/Transfer Area or the Santa Barbara Channel Area maintains and can immediately deploy containment equipment for a 3,125 barrel spill, or 10% of the vessel's cargo capacity, whichever is less, the initial on-water recovery capability can be on-scene within three hours rather than two hours.
- iii. for those points where transfers occur infrequently, and where there is not permanent equipment present, the 3,125 barrel/day, or 10% of the vessel's cargo capacity, whichever is less, on-water response capability shall be brought to the site at the time of transfer;
- iv. for infrequent transfers of non-persistent oil, the initial response requirement may be waived by application to the Administrator. The application for waiver must include a justification based on such factors as the location of the transfer point, proximity to response equipment, additional equipment in the immediate area, and the relative environmental sensitivity of the potential spill sites.

3. Vessels that transit along the Balance of the Coast within California marine waters.

DELIVERY TIME (HRS)	18	36	60
BBLS/DAY CAPABILITY	15,625	31,250	62,500

- i. in addition, at the facility/transfer points or during transfers at anchorage designations within the Balance of the Coast there must be 3,125 barrels/day, or 10% of the vessel's cargo capacity, whichever is less, of on-water recovery capability that can be mobilized and on-scene within two hours of notification;
- ii. for infrequent transfers of non-persistent oil, the 3,125 barrel/day or 10% of the vessel's cargo capacity, whichever is less, on-water recovery capability requirement may be waived by application

to the Administrator. The application for waiver must include a justification based on such factors as the location of the transfer point, proximity to response equipment, additional equipment in the immediate area, and the relative environmental sensitivity of the potential spill sites.

(C) Sufficient containment equipment shall be brought to the scene of the spill to address the Daily Recovery Rates as designated in Subsection 818.02(e)(3)(B).

(D) The standards set forth in Subsection 818.02(e)(3)(B), were increased by a factor of 25% on July 1, 1997. It was determined that this increase was feasible and necessary to meet the best achievable protection of the coast.

(E) The standards set forth in Subsection 818.02(e)(3)(B) will be increased by a factor of 25% effective July 1, 2001, and again July 1, 2005, if it can be demonstrated that these increases are feasible and necessary in order to meet the best achievable protection of the coast. Prior to any such increase, the Administrator will conduct a review and hold a hearing as outlined below:

1. The Administrator shall conduct a review of the scheduled increase before the increase shall become effective. Results of this review shall be available in January of the year the increase would become effective.
2. Review of the standards shall include analysis of technological improvements, such as but not be limited to: equipment efficiency and design improvements; improved spill tracking capability; approved dispersants; bioremediation; and other prevention and response measures.
3. The Administrator shall conduct a public hearing prior to confirming the new standards to solicit input regarding the necessity of the proposed increase and any credits that may be allowed.

(F) Transfer Operations

Each plan holder shall own or have under contract the equipment, and shall have the personnel and procedures sufficient to contain a 50 barrel spill. These response resources shall be present on-site during all transfer operations and deployable immediately in the event of an oil spill. Response resources owned or under contract to the marine facility or vessel engaged in oil transfer operations may be used to meet this requirement.

(4) Non-Cascadable Equipment

Each plan shall nominate a certain amount of the recovery equipment identified in Subsection 818.02(e)(3) as non-cascadable, which may not be moved outside of the applicable risk zone. Non-cascadable equipment may not be moved in response to a spill outside of the risk zone without approval of the Administrator or the Federal On-Scene Coordinator (FOSC), through the Unified Command. During the Coastal Protection Review, the Administrator shall determine which among the nominated equipment shall be designated as non-cascadable equipment for the given risk zone. The final determination may not include equipment nominated from each plan. A contingency plan is not made invalid by the movement of non-cascadable equipment if such movement has been approved by the Administrator or the FOSC.

The amount of recovery equipment that is non-cascadable is dependent upon the risk zone in which the equipment is to be located. The total amount required will be the lesser of the amount necessary to address the Response Planning Volume, or the amount specified as follows:

- (A) High Volume Ports and the Santa Barbara Channel Area: 10,000 barrels per day of recovery capability that can be mobilized within two hours of notification and on-scene within 12 hours.
- (B) Facility/Transfer Areas: 2,500 barrels per day of recovery capability that can be mobilized within two hours and on-scene within 12 hours.

(5) On-Water Response Equipment and Services

- (A) Each plan shall demonstrate that the vessel has under contract or other approved means (as defined in Section 815.05(b) of this subchapter), access to all necessary equipment and services to comply with the Response Capability Standards for on-water containment and recovery established pursuant to Subsection 818.02(e)(3). The amount of response equipment required will take into account the derated capacity (as defined in Chapter 1, Section 790 of this subdivision) of the equipment.
- (B) The equipment identified for a specific area must be appropriate for use in that area given the limitations of the geography, bathymetry, water depths, tides, currents and other local environmental conditions. For those areas that require shallow-water response capability (refer to the relevant Coast Guard Area Contingency Plan), the plan shall provide for an adequate number of shallow-draft vessels (as defined in Section 815.05 of this subchapter) to be under contract and available to respond to provide shoreline protection of all sensitive sites identified in the trajectory analysis conducted as part of the Environmental Consequence Analysis. Additionally, the equipment identified shall also be appropriate for use on the type of oil identified. The following information must be provided:
 - 1. the location, inventory and ownership of the equipment to be used to fulfill the response requirements of these regulations;
 - 2. a complete inventory of any nonmechanical response equipment and supplies, including the type and toxicity of each chemical agent, with procedures for storage and maintenance;
 - 3. the manufacturer's rated capacities and operational characteristics for each major item of oil recovery equipment;
 - 4. the type and capacity of storage and transfer equipment matched to the skimming capacity of the recovery systems;
 - 5. the derated capacity (as defined in Chapter 1, Section 790 of this subdivision) for each major piece of on-water recovery equipment listed, as well as the derated capacity for the skimming systems as a whole.
 - i. A request may be submitted to the Administrator to review the derated capacity for a piece of equipment if it can be shown that the equipment has a different capacity than the derating factor allows.

- ii. The Administrator's decision regarding a change in the derated capacity for a piece of equipment will be issued as soon as administratively feasible.
- 6. vessels designated for oil recovery operations, including skimmer vessels and vessels designed to tow and deploy boom, and availability of shallow-draft vessels;
- 7. vessels of opportunity reasonably available for oil spill recovery operations, including availability of shallow-draft vessels, procedures to equip the vessels, inventory equipment, and train personnel;
- 8. pumping and transfer equipment for transferring oil from damaged structures, or from undamaged structures which might be at risk of discharging additional oil;
- 9. procedures for storage, maintenance, inspection and testing of spill response equipment under the immediate control of the operator;
- 10. necessary equipment to address bunkering and lightering operations, including: fendering equipment; transfer hoses and connection equipment; portable pumps; and any ancillary equipment necessary to off-load the vessel's largest cargo tank in 24 hours of continuous operation. These resources shall be capable of reaching the location in which the vessel operates within 12 hours;
- 11. a salvage company or program in each area of operation, with appropriate expertise and equipment that may be contracted at the time of a spill if such services become necessary.

This subsection (e)(5)(B)(11) shall remain in effect only until June 30, 2000, and as of that date is repealed, unless a later enacted regulatory action deletes or extends that date.

Note: See related Subsection (m) of this section.

- 12. a procedure to call out private vessel firefighting capability that will respond to casualties in the area(s) in which the vessel will operate; and
- 13. sufficient equipment to track the movement of discharged oil including aerial surveillance sufficient to direct skimming operations.

(C) Each plan shall describe the personnel available to respond to an oil spill, including:

- 1. a list by job category including a job description for each type of spill response position needed as indicated in the spill response organization scheme;
- 2. a match between personnel by job category, and the equipment proposed for use (including equipment appropriate for shallow-water environments), including the plan for mobilization of such personnel; and

3. sufficient personnel to maintain a response effort of at least 14 days.
- (D) A list of the spill management personnel and their relevant qualifications including a discussion of spill response training and experience, regulatory awareness and compliance, and supervision.
- (E) Each plan shall describe procedures for the transport of required equipment, personnel and other resources to the spill site. The description shall include plans for alternative procedures during adverse environmental conditions. Adverse environmental conditions to be considered shall include:
1. adverse weather;
 2. sea states, tides, winds and currents;
 3. presence of debris or other obstacles; and
 4. any other known environmental conditions that could restrict response efforts.
- (F) Any equipment and personnel identified in the plan must be available for response. Any necessary maintenance for the equipment, vacation periods for response personnel, or other eventuality must be taken into account in relying upon these resources.
1. The equipment owner must notify the Administrator when major equipment is removed from service for a period of 24 hours or more for maintenance or repair. Major equipment is that which, if moved, would affect timely implementation of the plan. Notification must be made prior to removing equipment for regularly scheduled maintenance, and within 24 hours of removing equipment for unscheduled repairs.
 2. The equipment owner must demonstrate that backup equipment is available during the time that the primary response equipment is out of service. Backup equipment may be provided from the owner's own inventory, or may be made available from another responder.
 3. A plan shall remain valid during the time that equipment has been removed from service for maintenance or repair if the Administrator has approved such movement.
- (G) Vessels that carry Group 5 oils must provide information on response procedures and identify response equipment and resources to address the Response Planning Volumes. Such equipment shall include, but is not limited to the following:
1. sonar, sampling equipment, or other methods for locating the oil on the bottom or suspended in the water column;
 2. containment boom, sorbent boom, silt curtains, or other methods to reduce spreading on the bottom;
 3. dredges, pumps, or other equipment necessary to recover oil from the bottom;
 4. equipment necessary to assess the impact of such discharges; and

5. any other appropriate equipment necessary to response to a discharge involving a group 5 oil.

(6) On-Water Response and Recovery Strategies

Utilizing the equipment that must be under contract, each plan shall describe methods to contain spilled oil and remove it from the environment. The equipment identified for a specific area must be appropriate for use in that area given the limitations of the bathymetry, geomorphology, shoreline types and other local environmental conditions. Additionally, the equipment identified shall be appropriate for use on the type of oil identified. The description shall include:

(A) methods for on-water containment and removal of oil in open-water environments;

(B) methods for adapting on-water containment and removal strategies in order to address the spill as it moves to the close-to-shore environment. This description shall include, where appropriate, methods for carrying out response operations and protection strategies in shallow-water environments, as identified in the trajectory analysis conducted as part of the Environmental Consequence Analysis.

(C) The plan holder may propose the use of dispersants, in-situ burning, coagulants, bioremediants, or other chemical agents or non-mechanical methods for response operations. The use of any non-mechanical method for response must be done in accordance with provisions of the State Marine Oil Spill Contingency Plan, the National Oil & Hazardous Substances Pollution Contingency Plan, the applicable Regional Area Contingency Plan, and all applicable State laws and regulations. If a non-mechanical method of response is proposed, the plan shall include:

1. methods of deployment or application;
2. a description of the specific mechanisms in place to assess the environmental consequences of the chemical agent. This shall include the mechanism for continuous monitoring of environmental effects for the first three days after initial application, and periodic monitoring thereafter until the agent is inert or no longer operative;
3. identification of all permits, approvals or authorizations needed to allow the use of chemical agents or non-mechanical methods, and the timeline for obtaining them;
4. a plan for protecting resources at risk, areas of public concern and the public from any adverse effects of the chemical agents used;
5. the projected efficacy of each type of non-mechanical method proposed for use taking into account the type of spilled material and the projected environmental conditions of the potential spill site; and
6. upon request, the plan holder shall provide any test results known to the plan holder which assess the environmental impacts of applying these agents in the marine environment.

(D) methods for tracking the movement of the discharged oil; and

(E) locations of the weather stations to be used for observations of winds, currents and other data at the time of a spill that may assist in making real-time projections of spill movement.

(f) Shoreline Protection and Clean-up

Each plan must provide for shoreline protection and clean-up of all areas identified as potential spill sites in the Environmental Consequence Analysis. Each plan shall demonstrate that the vessel has access to all necessary equipment and services to address the Protection and Response Strategies appropriate to each shoreline that could potentially be impacted by a spill from the vessel.

To determine the amount and type of shoreline protection and clean-up capability that must be under contract in each of these areas, each vessel owner/operator shall either: 1) demonstrate sufficient equipment and personnel to deploy and implement the shoreline protection strategies outlined in the appropriate ACP scenario(s), or; 2) calculate a Shoreline Response Planning Volume as outlined below:

(1) Reasonable Worst Case Spill

To calculate the planning volume, it is first necessary to determine the reasonable worst case spill for each vessel. The reasonable worst case spill is calculated as 25% of the vessel's total cargo capacity.

(2) Persistence and Emulsification Factors

(A) The reasonable worst case spill volume is then multiplied by a persistence factor relative to the most persistent type of oil that may be spilled. The persistence factors relative to the type of oil spill, are specified below:

Oil Group	Group 1	Group 2	Group 3	Group 4
Shoreline Volumes	.10	.30	.50	.70

(B) Emulsification Factors

The volume determined from the calculation above is then multiplied by one of the following emulsification factors, again, based on the type of oil.

Oil Group	Group 1	Group 2	Group 3	Group 4
Emulsification	1.0	1.8	2.0	1.4

(C) Total Shoreline Equipment Required

The total determined by this calculation is a Response Planning Volume.

1. The Response Planning Volume to be used to determine the amount of Response Equipment and Services required that must be under contract shall be the greater of the amount determined in Subsections 818.02(f)(1) - (2) or the Adjusted Planning Volume calculated for On-Shore Recovery

Volume for the Nearshore/Inland Environment in the vessel's federal response plan prepared pursuant to 33 CFR, Part 155, Appendix B.

2. The calculations used to determine the Response Planning Volume shall be included in the plan.

(3) Shoreline Protection Equipment and Services

Each plan must identify, and ensure availability through a contract or other approved means (as defined in Section 815.05(b) of this subchapter), an oil spill response organization capable of effecting shoreline protection strategies. Such protection strategies must be commensurate with the Shoreline Response Planning Volume, calculated for potential shoreline impact, and must be capable of addressing all appropriate Protection, Response and Clean-Up Strategies. The specific areas where equipment and services must be available for use shall be identified in the Environmental Consequence Analysis.

(A) The equipment identified for a specific area must be appropriate for use in that area given the limitations of the bathymetry, geomorphology, shoreline types and other local environmental conditions. Additionally, the equipment identified shall be appropriate for use on the type of oil identified.

The following information must be provided:

1. the amounts of all protective booming, shallow-draft vessels, and shoreline clean-up equipment necessary to address the specific types of shorelines that may be impacted;
2. the location, inventory and ownership of the equipment to be used to fulfill the response requirements; and
3. the procedures for storage, maintenance, inspection and testing of spill response equipment under the immediate control of the operator.

(B) Each plan shall describe the personnel available to respond to an oil spill, including:

1. a list by job category including a job description for each type of spill response position needed as indicated in the spill response organization scheme;
2. a match between personnel, by job category and the equipment proposed for use (including equipment appropriate for shallow-water environments), including the plan for mobilization of such personnel; and
3. sufficient personnel to maintain a response effort of at least 14 days.

(C) Any equipment and personnel identified to meet the planning standard requirements must be available for response. Any necessary maintenance for the equipment, vacation periods for response personnel, or other eventuality must be taken into account in relying upon these resources.

1. The equipment owner must notify the Administrator when major equipment is removed from service for

a period of 24 hours or more for maintenance or repair, if such movement would affect timely implementation of the plan. Notification must be made prior to removing equipment for regularly scheduled maintenance, and within 24 hours of removing equipment for unscheduled repairs.

2. The equipment owner must demonstrate that backup equipment is available during the time that the primary response equipment is out of service.

(4) Shoreline Protection Capability Standards

(A) Each plan must provide sufficient diversionary and protective boom and any other shoreline protection equipment. The amount of such equipment may be determined from information provided in the applicable Area Contingency Plan, and shall be available as follows:

1. within 30 minutes after notification, the equipment must be available for immediate delivery and deployment; and
2. the equipment must be available to protect the environmental, economic or culturally sensitive shoreline areas identified by the Environmental Consequence Analysis. To protect these sites, the equipment must be capable of being deployed and operable in 2 hours or, if determined, by the times established by the trajectory analysis conducted pursuant to Section 818.02(d)(2)(A)(1) as part of the Environmental Consequence Analysis.

(B) As part of the Coastal Protection Review, the Administrator may also use information provided in the vessel's federal response plan to determine whether there is sufficient shoreline protection capability in each Geographic Region.

(5) Shoreline Protection and Clean-Up Strategies

(A) Utilizing the equipment that must be under contract, each plan shall describe methods to contain spilled oil and remove it from the environment. The equipment identified for a specific area must be appropriate for use in that area given the limitations of the bathymetry, geomorphology, shoreline types and other local environmental conditions. Additionally, the equipment identified shall be appropriate for use on the type of oil identified. The description shall include:

1. all shoreline protection procedures and oil diversion and pooling procedures for the close-to-shore environment. These procedures shall include, where appropriate, methods for carrying out response operations and clean-up strategies in shallow-water environments, as identified in the trajectory analysis conducted as part of the Environmental Consequence Analysis;
2. methods for shoreside clean-up, including containment and removal of surface oil, subsurface oil and oiled debris and vegetation from all applicable shorelines, adjacent land and beach types; and
3. measures to be taken to minimize damage to the environment from land operations during a spill response, such as impacts to sensitive shoreline habitat caused by heavy machinery or foot traffic.

(B) Protection, response and clean-up strategies will be specific to the type of oil spilled, and the expected spill

impact sites as identified in the Environmental Consequence Analysis, and the resources at risk at those spill sites.

(C) Each plan must utilize all the strategies appropriate to the potential impact sites.

(g) Response Procedures

(1) Each plan shall describe the organization of the vessel's spill response system and management team. An organizational diagram depicting the chain of command shall also be included. Additionally, the plan shall describe the method to be used to integrate the plan holder's organization into the State Incident Command System and/or the Unified Command Structure as required by Title 8, California Code of Regulations, Subsection 5192(p)(8)(D)(2).

(A) The plan holder may utilize the procedures outlined in the appropriate Area Contingency Plan when describing how the vessel's chain of command will interface with the State Incident Command System which utilizes the Unified Command.

(B) Each plan shall describe the organization of the plan holder's public information office, as it relates to an oil spill incident, and the method by which the Information Officer will be integrated into the State Incident Command System.

(C) Each plan shall describe the plan holder's safety program, as it relates to an oil spill incident, and the method by which their Safety Officer will be integrated into the State Incident Command System.

(2) Each plan shall describe the process to establish sites needed for spill response operations, including location or location criteria for:

(A) a central command post sufficient to accommodate the State Incident Command or Unified Command as well as the plan holder's response organization;

(B) a central communications post if located away from the command post; and

(C) equipment and personnel staging areas.

(3) Each plan shall include a checklist, flowchart or decision tree depicting the procession of each major stage of spill response operations from spill discovery to completion of clean-up. The checklist, flowchart or decision tree shall describe the general order and priority in which key spill response activities are performed.

(4) Each plan shall describe how the owner/operator will provide onboard emergency services before the arrival of local, state or federal authorities on the scene, including:

(A) procedures to control fires and explosions, and to rescue people or property threatened by fire or explosion;

(B) procedures for emergency medical treatment and first aid; and,

(C) procedures to provide the required personnel protective gear for responders.

(5) Each plan shall describe equipment and procedures to be used by vessel personnel to minimize the magnitude of a spill and minimize structural damage which may increase the quantity of oil spilled.

(6) Each plan shall detail the lines of communications between the responsible party, the Qualified Individual and the on-scene commanders, response teams, local, state, and federal emergency and disaster responders, including:

(A) communication procedures;

(B) the communication function (e.g., ground-to-air) assigned to each channel or frequency used;

(C) the maximum broadcast range for each channel or frequency used; and

(D) redundant and back-up systems.

(7) Each plan shall provide for post-spill review, including methods to review both the effectiveness of the plan and the need for plan amendments.

(A) The result of the review shall be forwarded to the Administrator within 90 days following the completion of response and clean-up procedures.

(B) The review shall be used by the Administrator only for the purposes of proposing future amendments to the contingency plan.

(8) Each plan shall describe the procedures to manage access to the spill response site, the designation of exclusion, decontamination and safe zones, and the decontamination of equipment and personnel during and after oil spill response operations, as required by the California Occupational Safety and Health Administration.

(9) Prior to beginning oil spill response operations and clean-up activities, a Site Safety Plan must be completed. Each plan shall include information as required pursuant to Title 8, Section 5192(b)(4)(B) of the California Code of Regulations including, but not limited to, a written respiratory protection program, written personal protection equipment program, written health and safety training program, written confined space program and permit forms, direct reading instrument calibration logs, and written exposure monitoring program.

(h) Notification Procedures

(1) Each plan shall include a list of contacts to call in the event of a drill, threatened discharge of oil, or discharge of oil. The plan shall:

(A) identify a central reporting office or individual who is responsible for initiating the notification process and is available on a 24-hour basis. The following information must be provided:

1. the individual or office to be contacted;
2. telephone number or other means of contact for any time of the day; and
3. an alternate contact in the event the individual is unavailable.

(B) detail the procedures for reporting oil spills to all appropriate local, state and federal agencies within each of the six Geographic Regions that the vessel transits;

(C) establish a clear order of priority for notification.

(2) Immediate Notification

Nothing in this section shall be construed as requiring notification before response.

(A) Each plan shall include a procedure for contacting the primary OSRO in each of the six Geographic Regions that the vessel transits within 30 minutes of the discovery of a discharge of oil or threatened discharge of oil.

(B) Each plan shall include a procedure that ensures that the owner/operator or his/her designee will initiate contact with the Qualified Individual, the California Governor's Office of Emergency Services and the National Response Center immediately, but no longer than 30 minutes, after discovery of a discharge of oil or threatened discharge of oil.

(C) Each plan shall include all phone numbers necessary to complete the immediate notification procedures.

(3) Each plan shall identify a call-out procedure to acquire the resources necessary to address spills that cannot be addressed by the equipment that the owner/operator is required to have under contract. Procedures must allow for initiation of the call-out within 24 hours of the incident and must begin as soon as a determination has been made that additional resources are necessary.

(4) Each plan shall provide a checklist of the information to be reported in the notification procedures, including but not limited to:

(A) vessel name, country of registry, call sign, and official number;

(B) location of the incident;

(C) date and time of the incident;

(D) course, speed and intended track of the vessel;

(E) the nature of the incident;

(F) an estimate of the volume of oil spilled and the volume at immediate risk of spillage;

(G) the type of oil spilled, and any inhalation hazards or explosive vapor hazards, if known;

- (H) the size and appearance of the slick;
- (I) prevailing weather and sea conditions;
- (J) actions taken or planned by personnel on scene;
- (K) current condition of the vessel;
- (L) injuries and fatalities; and
- (M) any other information as appropriate.

(5) Reporting of a spill as required by Section 818.02(h)(2) shall not be delayed solely to gather all the information required by Subsection 818.02(h)(4). If the required information is not available, the plan shall specify how the information will be obtained.

(6) An updated estimate of the volume of oil spilled and the volume at immediate risk of spillage shall be reported to the California Governor's Office of Emergency Services whenever a significant change in the amount reported occurs, but not less than every 12 hours within the first 48 hours of response. The State Incident Commander and/or the Federal On-Scene Coordinator through the Unified Command shall have the option of increasing or decreasing this timeframe, as needed. Updated spill volume information included in the Incident Action Plan developed through the Unified Command will meet the requirements of this subsection.

(i) Temporary Storage and Waste Management:

(1) Each plan shall identify sufficient temporary storage for all recovered oil or all oily waste, and identify facilities that would be able to accept the recovered oil or oily waste for recycling or other means of waste management. Sufficient storage shall be no less than two times the calculated Response Planning Volume up to the Daily Recovery Rate as determined in Subsection 818.02(e)(3)(B).

(A) To meet the temporary storage requirement described in Subsection (1) above, the following amounts of storage shall be dedicated response resources (as defined in Section 815.05(c) of this subchapter) or OSRO-owned and controlled response resources (as defined in Section 815.05(k) of this subchapter), as applicable to the appropriate risk zone:

Sufficient storage to support the skimming systems shall be brought to the scene of the spill during the first four hours of response:

520 barrels of storage, or 20% of the reasonable worst case oil spill volume, whichever is less, shall be brought to the scene of the spill within four hours, of notification of a spill;

12,000 barrels, or two times the reasonable worst case oil spill volume, whichever is less, shall be available at the scene of the spill within 6 hours of notification of a spill.

The balance of the temporary storage requirement described in Subsection (1) above, may be provided by nondedicated storage resources. All skimming systems operating at the scene of a spill shall have adequate storage.

- (2) Each plan shall identify the party that shall maintain responsibility for recovered oil and oily waste for the purposes of temporary storage.
- (3) Each plan shall describe site criteria and methods used for temporary storage of recovered oil and oily wastes generated during response and clean-up operations, including known available sites.
- (4) Each plan shall identify all applicable permits, and all federal, state and local agencies responsible for issuing those permits for transit, temporary storage and ultimate waste management of all wastes likely to result from an oil spill.
- (5) Each plan shall include information which could expedite the state approval process for the use of temporary waste storage sites, including a list of appropriate contacts and a description of procedures to be followed for each approval process.

(j) Oiled Wildlife Care Requirements

Each plan shall describe how oiled wildlife care will be provided by one of the following approved means:

- (1) Utilize the California Oiled Wildlife Care Network (OWCN) to meet oiled wildlife care requirements: or
- (2) describe procedures that clearly outline how oiled wildlife care will be provided. The equipment, facilities, and personnel necessary to implement these procedures must be identified and assured by contract for each Geographic Area covered by the plan. Standards for wildlife care must comply with all applicable State and federal laws.

(k) Training

- (1) Each plan shall provide that all appropriate personnel directly responsible to the owner/operator shall receive training in the use and operation of oil spill response and clean-up equipment. The plan shall describe:
 - (A) the type and frequency of training that each individual in a spill response position receives to achieve the level of qualification demanded by their job description;
 - (B) the procedures, if any, to train and use volunteers or other additional personnel in spill response operations as necessary for the size of the spill.
- (2) Each plan shall describe the type and frequency of personnel training on methods to reduce operational risks. The description of the training shall include if applicable, the following:
 - (A) the means of achieving any established training objectives, such as:
 - 1. training programs for each position involved with the various aspects of the operation that could result

in a spill (e.g., position responsible for vessel inspections or transfers);

2. a training schedule, including adequate frequency, (e.g., initial training upon hire and annual refresher training) and type of training (workshops, classroom, videotape, on-the-job training, etc.) for each position trained;

(B) licenses, certifications or other prerequisites to hold particular jobs.

- (3) Each plan shall provide for safety training as required by state and federal health and safety laws for all personnel likely to be engaged in oil spill response, including a program for training non-permanent responders, such as volunteers or temporary help.
- (4) The vessel owner/operator shall ensure that training records are maintained for three years. All such documentation must be made available to the Administrator upon request.

(I) Drills and Exercises - Type and Frequency

- (1) A vessel owner/operator shall conduct drills and exercises as necessary to ensure that the elements of the plan will function in an emergency. Each plan shall describe the vessel's drill and exercise program, including how the plan assures shoreline protection strategies (for all environmentally sensitive sites identified as potentially impacted in the vessel's Environmental Consequence Analysis) will be exercised, as outlined in Section 820.01(f) of this subdivision. The following are the necessary drill and exercise frequencies for all vessel, as consistent with the National Preparedness for Response Exercise Program (PREP):

(A) manned-vessel onboard emergency procedures and Qualified Individual notification drills shall be conducted quarterly;

(B) unmanned-barge emergency procedures and Qualified Individual notification drills shall be conducted quarterly;

(C) a shore-based spill management team tabletop exercise shall be conducted annually;

(D) oil spill response organization field equipment deployment exercises shall be conducted at least once every three years.

- (2) Training sessions may constitute creditable drills and exercises if all requirements of Subsections 820.01(b) through (f) are met. Onboard emergency procedure drills conducted aboard the vessel and properly logged may be credited.
- (3) Drills shall be designed by the vessel owner/operator to exercise either individual components of the plan or the entire response plan. Such drills, individually or in combination, shall ensure that the entire plan is exercised at least once every three years.
- (4) The vessel owner/operator shall maintain adequate records of drills and exercises, for a period of at least three years, to include the following:

(A) all drills and exercises conducted aboard the vessel shall be documented in the ship's log;

(B) records of any off-vessel drills and exercises of the response organization and resources identified in the contingency plan shall be maintained at the United States location of either the Qualified Individual or the vessel owner/operator. Contingency plans should indicate the location of these records.

Note: Evaluation and credit criteria for drills and exercises are described in Section 820.01 of this subchapter.

(m) Salvage Equipment and Services:

(1) Notification Requirements:

Any party responsible for a vessel as defined in this subdivision shall notify the Coast Guard within one hour of a disability if the disabled vessel is within 12 miles of the shore of the state, pursuant to the requirements of Government Code Section 8670.20(b).

(2) Salvage Equipment and Services:

The following provisions will become effective July 1, 2000, unless repealed. The equipment and service provisions shall be repealed if comparable salvage requirements are implemented through the ACP planning process and submitted to the Administrator for review and approval, prior to July 1, 2000. The Administrator can extend the implementation date of this section for 120 days if implementation of any of the ACP's is delayed and it appears that such an extension would serve the intent of this subsection.

Salvage means all services rendered to save a vessel and cargo from any marine peril that could reasonably cause a discharge of oil into the marine waters of the state, and includes those actions necessary to control or stabilize the vessel or cargo.

(A) All vessels required to have a contingency plan pursuant to Section 818.01(a) must demonstrate sufficient salvage capability as outlined in this section;

(B) Availability of the following salvage equipment and services shall be demonstrated by sufficient in-house capability or a signed, valid contract with a salvage company or program. Any company or program secured by contract must have the appropriate expertise, and all required equipment ready and available to respond in the timeframes specified in this section. Timeframes are determined from the time the Coast Guard is notified that the vessel is disabled;

1. within 12 hours of notification;

- (i.) a support vessel of the appropriate size, configuration, and operating capability to ensure stabilization of a disabled vessel. The support vessel must be capable of reaching the vessel before the vessel would run aground. In determining the time it would take for a vessel to run aground, an estimate shall be made based on the drift rate in the worst case weather assuming the complete loss of power and steerage;
- (ii.) a professional salvor or salvage supervisor who shall be familiar with the capabilities of the salvage company, and the salvage, stability, and hull stress assessments of the vessel. These assessments shall be developed pursuant to the shipboard spill mitigation procedures as set forth in 33 CFR, Part 155.1035(c)). A professional salvor or salvage supervisor is someone who has the appropriate

training and/or experience necessary to supervise any salvage operation appropriate for the vessel being serviced;

(iii.) a private vessel firefighting capability that will respond to casualties in the area(s) in which the vessel will operate. This capability shall be a supplement to the firefighting capability on board the vessel;

(iv.) necessary equipment to address lightering operations, including: fendering equipment; transfer hoses and connection equipment; portable pumps; and any ancillary equipment necessary to off-load the vessel's largest cargo tank in 24 hours of continuous operation;

(v.) dewatering pumps, hoses, and power supplies sufficient to maintain vessel stability and prevent sinking.

(2) within 18 hours of notification, and to the extent necessary to avoid a pollution incident;

(i) resources for shoring, patching or making other emergency, temporary repairs to correct structural, stability, or mechanical problems on the vessel;

(ii) equipment necessary to tow an incapacitated vessel to a safe haven.

(C) The following salvage equipment and services shall be made available within 48 hours of notifying the Coast Guard, to the extent necessary to avoid a pollution incident;

(1) harbor clearance capability;

(2) deep water search and recovery capability;

(3) equipment necessary to refloat a vessel from a stranding;

(4) wreck removal capability.

Note: Authority cited: Sections 8670.7, 8670.10, 8670.28, 8670.29 and 8670.30, Government Code. Reference: Sections 8670.7, 8670.10, 8670.20, 8670.25.5, 8670.27, 8670.28, 8670.30, 8670.31, and 8670.37.51, Government Code.

818.03 VESSELS CARRYING OIL AS SECONDARY CARGO (VCOASC) PLAN CONTENT

To the degree the information required by Subsections 818.03(b) through (l) exists elsewhere, copies of the pre-existing information may be submitted. If the information provided is not sufficient to meet the requirements of this subchapter, additional information may be requested by the Administrator.

(a) Introductory Material

(1) Each plan shall provide the following information for each vessel carrying oil as secondary cargo (VCOASC, as defined in Section 790 of this subdivision) covered by the plan:

(A) the vessel's name, country of registry, call sign, and official identification number;

(B) name, address and phone number of the owner and/or operator of the vessel(s). This information shall be referenced in the plan title or on a title page at the front of the plan;

(C) the name, address and phone number of the person to whom correspondence should be sent;

(D) a certification statement signed under penalty of perjury by an executive within the plan holder's management who is authorized to fully implement the oil spill contingency plan who shall review the plan for accuracy, feasibility, and executability. If this executive does not have training, knowledge and experience in the area of oil spill prevention and response, the certification statement must also be signed by another individual within the plan holder's management structure who has this requisite training, knowledge, and experience. The certification shall be submitted according to the following format;

"I certify, to the best of my knowledge and belief, under penalty of perjury under the laws of the State of California, that the information contained in this contingency plan is true and correct and that the plan is both feasible and executable."

(signature), (title), (date);

(E) a copy of the California Certificate of Financial Responsibility (COFR) for the vessel(s) covered by the plan shall be included in the front of the plan, or for fleet plans shall be indexed separately in a subsection of the plan.

(2) Each plan shall identify a Qualified Individual, as defined in Chapter 1, Section 790 of this subdivision, and any alternates that may be necessary for the purpose of implementing the plan. If an alternate or alternates are identified in the plan, then the plan shall also describe the process by which responsibility will be transferred from the Qualified Individual to an alternate. During spill response activities, notification of such a transfer must be made to the State Incident Commander at the time it occurs.

(3) Each plan shall provide the name, address, telephone number and facsimile number of an agent for service of process designated to receive legal documents on behalf of the plan holder. Such agent shall be located in California.

(4) Each plan shall contain a copy of the contract or other approved means (as defined in Section 818.05(b) of this subchapter), verifying that any oil spill response organization(s) that are named in the plan will provide the requisite equipment and personnel in the event of an oil spill. Plan holders shall only contract with an OSRO(s) that has received a Rating by OSPR (as specified in Section 819 of this subchapter) for the booming, on-water recovery and storage, and shoreline protection services required.

(b) VCOASC Description

(1) Each plan shall describe the vessel's design and operations with specific attention to those areas from which a spill could reasonably be expected to impact the marine waters of California. This description shall include, at a minimum, the following information:

(A) a piping and tank diagram including the location of valves, vents and lines; the age, design, and construction of the vessel; the range of oil products normally carried in each structure; and safety equipment;

(B) a description of the types, physical properties, health and safety hazards and maximum storage or handling

capacity of the oil or product carried. A material safety data sheet (MSDS) or equivalent will meet this requirement and can be maintained separately aboard the vessel providing the plan identifies its location;

(C) the vessel's classification, hull type, gross registered tonnage (GRT), oil cargo capacity, length, draft and beam.

(c) Prevention Measures

(1) Each plan holder shall take all appropriate prevention measures designed to reduce the possibility of an oil spill occurring as a result of allisions, collisions, groundings, explosions or operator error during the operation of the VCOASC. Each plan shall include a summary of the policies, programs, guidelines and/or procedures designed to implement the following:

(A) methods to reduce spills during transfer and storage operations, including overfill prevention measures, and immediate spill containment provision. Any information developed in compliance with Title 33 CFR, Parts 154 and 156 may be substituted for all or part of any comparable prevention measures required by this subsection;

(B) procedures to assure clear communication among all the parties involved during transfer operations;

(C) use of vessel traffic service systems where available;

(D) procedures to be used to avoid the known navigational hazards.

(E) Where a plan holder's VCOASC is engaged in transfer operations at a facility subject to Public Resources Code 8755, and the plan holder is in compliance with State Lands Commission regulations for oil transfer operations, the plan holder shall be considered in compliance with the provisions of this subsection.

(F) The plan holder shall provide additional relevant information to the Administrator upon request.

(2) Each plan shall also provide a summary of those prevention measures, or operational policies, guidelines and procedures which are currently in place to meet the requirements of other International, Federal, State or local agencies. Each plan shall also summarize any other prevention measures being utilized by VCOASC personnel. The list of existing prevention measures shall include, but not be limited to, the following:

(A) a description of any "risk reduction incentive programs". A risk reduction incentive program is one designed to reduce factors leading to technical and human error, such as programs that reward accident-free periods in the workplace;

(B) a description of leak detection and spill prevention safety and alarm systems, devices, equipment or procedures;

(C) a description of automatic controls that can be operated remotely or pre-programmed to control normal processes, safety shutdown and emergency shutdown;

(D) a description of the alcohol and drug testing programs for key personnel;

(E) those measures implemented in compliance with regulations adopted by the State Lands Commission under

Public Resources Code 8755 governing operations of a vessel while at a marine terminal;

(F) any additional prevention measures taken or contemplated to minimize the possibility of oil spills;

(G) a description of any security measures.

(H) The plan holder shall provide additional relevant information to the Administrator upon request.

- (3) At the time the initial contingency plan is submitted, the owner/operator shall either submit a Certificate Of Inspection (COI) issued by the USCG or a certificate issued by a member of the International Association of Classification Societies certified by the International Maritime Organization (IMO) of the most recent vessel inspection, or verify that the vessel has such a certificate and that the certificate is available for review.
- (4) The owner/operator shall also submit a Safety Management Certificate to demonstrate compliance with the performance elements in the International Safety Management (ISM) Code subject to IMO Resolution A.741(18), or shall submit proof of compliance with the American Waterways Operators (AWO) Responsible Carrier Program, if applicable.

(d) Planning for the Location of Response Resources

The owner/operator must be prepared to respond to a spill anywhere within the marine waters of California. To determine the regions in which response equipment and personnel must be available it is first necessary to determine those areas of likely spill impact, as follows;

(1) Navigational Hazard Analysis

Each plan holder must conduct a Navigational Hazard Analysis for those areas the VCOASC transits within the marine waters of California. Some of the information required in this subsection may be drawn from the appropriate Area Contingency Plans (completed by the Coast Guard, State Agencies, and Local Governments pursuant to the Oil Pollution Act of 1990), Coast Pilot 7, National Ocean Survey charts or the appropriate Harbor Safety Plans completed by the local Harbor Safety Committees. If information is available, the plan holder may make reference to that information (i.e., specify where the information can be found) and does not need to duplicate it in the plan. Such an analysis shall include the following;

(A) a description of the VCOASC's normal routes of travel including a list of each of the six Geographic Regions that the vessel transits along these routes;

(B) an analysis of the navigational hazards along the vessel's normal routes of travel. This analysis shall be specific to each of the six Geographic Regions, where applicable. The plan shall include the following summary of the results of this analysis:

1. identify those hazards such as bars, off-shore structures, harbor entrances, areas of significant traffic congestion, hazards specific to the regular ports of call, and hazards associated with principal transfer operations;
2. a review, based on proximity to shore and the availability of stand-by towing and/or other support capability, of those situations where a loss of power, navigational ability or other significant incidents may result in groundings, collisions, strandings, or explosions.

(C) Each plan shall provide historical information on significant spills from the VCOASC including the vessel

while operated under different names by the current owner, and to the extent known, by prior owners and under different names. As used in this section, a significant spill is one which had an impact on the marine waters of the state, or caused the physical layout of the vessel or the vessel's operations procedures to be modified. This information shall include:

1. a written description of the spill event(s);
2. the cause of any historical spill, including operator error, or a failure analysis of the system or subsystem in which the failure occurred;
3. a brief summary of the impact of the spill(s);
4. a description of the corrective actions taken in response to any and all spills included in the historical data.

(2) Environmental Consequence Analysis

(A) For the significant hazards identified in the Navigational Hazard Analysis, the VCOASC shall conduct a trajectory analysis to determine the environmental consequences of an oil spill. This analysis shall apply to the reasonable worst case spill volume and shall assume pessimistic water and air dispersion and other adverse environmental conditions. This analysis is intended to be used as the basis for determining those areas and shoreline types for which response strategies must be developed. Some of the information required in this subsection may be drawn from the appropriate Area Contingency Plans completed by the Coast Guard, State Agencies, and Local Governments pursuant to the Oil Pollution Act of 1990. If information is available, the plan holder may make reference to that information (i.e., specify where the information can be found) and does not need to duplicate it in the plan. The analysis shall include at least the following:

1. a trajectory to determine the potential direction, rate of flow and time of travel of the reasonable worst case oil spill from the vessel to the shorelines, including shallow-water environments, that may be impacted. For purposes of this requirement, a trajectory or trajectories (projected for a minimum of 72 hours) that determine the outer perimeter of a spill, based on regional extremes of climate, tides, currents and wind with consideration to seasonal differences, shall be sufficient;
2. for each probable shoreline that may be impacted, a discussion of the general toxicity effects and persistence of the discharge, based on type of product; the effect of seasonal conditions on sensitivity of these areas; and an identification of which areas will be given priority attention if a spill occurs;

(3) Resources at Risk from Oil Spills

Based on the trajectory of the spilled oil, as determined in the Environmental Consequence Analysis, each plan shall identify the environmentally, economically and culturally sensitive areas that may be impacted. Each plan shall identify and provide a map of the locations of these areas. Some of the information required in this subsection may be drawn from the appropriate Area Contingency Plans completed by the Coast Guard, State Agencies, and Local Governments pursuant to the Oil Pollution Act of 1990. If information is available, the plan holder may make reference to that information (i.e., specify where the information can be found) and does not need to duplicate it in the plan.

(A) The map of environmentally sensitive areas shall include:

1. shoreline types and associated marine resources;
2. the presence of migratory and resident marine bird and mammal migration routes, and breeding, nursery, stopover, haul-out, and population concentration areas by season;
3. the presence of aquatic resources including marine fish, invertebrates, and plants including important spawning, migratory, nursery and foraging areas;
4. the presence of natural terrestrial animal and plant resources in marine-associated environments;
5. the presence of state or federally-listed rare, threatened or endangered species; and
6. the presence of commercial and recreational fisheries including aquaculture sites, kelp leases and other harvest areas.

(B) The map of the locations of economically and culturally sensitive areas shall indicate:

1. public beaches, parks, marinas, boat ramps and diving areas;
2. industrial and drinking water intakes, power plants, salt pond intakes, and other similarly situated underwater structures;
3. intertidal and subtidal drilling leases;
4. known historical and archaeological sites. If a plan holder has access to any confidential archaeological information, it must be submitted as a separate item and will be handled as confidential information as outlined in Subsection 816.01(d);
5. areas of cultural or economic significance to Native Americans; and
6. major waterways and vessel traffic routes that are likely to be impacted.

(e) On-Water Containment and Recovery

Each plan must provide for the on-water containment and recovery of all potential spills from the VCOASC that could reasonably be expected to impact the marine waters of California. Additionally, each plan must also demonstrate response capability sufficient to address potential spills in each Geographic Region through which the vessel may transit. To determine the amount of containment and recovery capability that must be available, each vessel must calculate a Response Planning Volume as outlined below:

(1) Reasonable Worst Case Spill

To calculate the Response Planning Volume, it is first necessary to determine the reasonable worst case spill for each vessel. The reasonable worst case spill is calculated as 30% of the vessel's total cargo capacity of petroleum products.

(2) Persistence and Emulsification Factors

(A) The reasonable worst case spill volume is then multiplied by a persistence factor relative to the most

persistent type of oil that may be spilled. The persistence factors relative to the type of oil spilled, are specified below:

Oil Group	Group 1	Group 2	Group 3	Group 4
On-Water Volumes	.20	.50	.50	.50

(B) Emulsification Factors:

The volume determined from the calculation above is then multiplied by one of the following emulsification factors, again, based on the type of oil.

Oil Group	Group 1	Group 2	Group 3	Group 4
Emulsification	1.0	1.8	2.0	1.4

(C) Response Planning Volume

The total determined by this calculation is a Response Planning Volume.

1. The Response Planning Volumes to be used to determine the amount of equipment and services required shall be the greater of the amount necessary to address the Response Planning Volume as calculated in Subsections 818.03(e)(1) - (2) or the Planning Volume for On-water Recovery for Inland/Near-shore Environment calculated for the vessel's federal response plan prepared pursuant to 33 CFR, Part 155.1045. The Planning Volume for On-water Recovery is the Adjusted Volume from the federal calculations determined prior to establishing response tiers utilizing the mobilization factors.

2. The calculations used to determine the Response Planning Volume shall be included in the plan.

(3) Response Capability Standards

The equipment and personnel necessary to address the Response Planning Volume is brought to the scene of the spill over a period of time. The timeframes are dependent upon the risk zone in which the VCOASC is located.

The standards set forth in this section are only planning standards and may not reflect the exigencies of actual spill response. However, these are the standards that must be used to determine the amount of equipment and personnel that must be under contract. Equipment in addition to that under contract must be identified and a call-out procedure in place to access this equipment if the VCOASC has a spill that exceeds these planning standards. The owner/operator is ultimately responsible for addressing the entire volume of an actual spill regardless of the planning standards.

(A) Total Equipment Required

1. The total amount of on-water containment and recovery equipment and services required shall be the amount necessary to address the Response Planning Volume determined in Subsection 818.03(e)(2)(C), as follows:
 - i. VCOASC that transit in High-Volume Ports shall have sufficient on-water containment and recovery equipment and services to respond to 10% of the calculated Response Planning Volume (as

calculated in Sections 818.03(e)(1) - (2)) at the scene of the spill within two hours. There shall be sufficient on-water containment and recovery equipment and services to respond to the remaining Response Planning Volume within 12 hours.

- ii. VCOASC operating in Facility/Transfer areas or the Santa Barbara Channel area shall have sufficient on-water containment and recovery equipment and services to respond to 10% of the calculated Response Planning Volume (as calculated in Sections 818.03(e)(1) - (2)) at the scene of the spill within 12 hours. There shall be sufficient on-water containment and recovery equipment and services to respond to the remaining Response Planning Volume within 36 hours.
- iii. VCOASC that transit along the Balance of the Coast shall have sufficient on-water containment and recovery equipment and services to respond to 10% of the calculated Response Planning Volume (as calculated in Sections 818.03(e)(1) - (2)) at the scene of the spill within 18 hours. There shall be sufficient on-water containment and recovery equipment and services to respond to the remaining Response Planning Volume within 36 hours.

(4) Transfer Operations

Each VCOASC owner/operator shall own or have under contract the equipment, and shall have personnel and procedures sufficient to contain 10% of the Response Planning Volume or 50 bbls., whichever is less. These response resources shall be present on-site during all transfer operations and deployable immediately in the event of an oil spill of persistent oil (i.e., Group 2, 3, 4, or 5). Response resources owned or under contract to the marine facility or vessel engaged in oil transfer operations may be used to meet this requirement.

(5) On-Water Response Equipment and Services

(A) Each plan shall demonstrate that the VCOASC has under contract or other approved means (as defined in Section 815.05(b) of this subchapter) access to all necessary equipment and services to comply with the Response Capability Standards for on-water containment and recovery established pursuant to Subsection 818.03(e). The amount of response equipment required will take into account the derated capacity (as defined in Chapter 1, Section 790 of this subdivision) of the oil recovery equipment.

(B) The equipment identified for a specific area must be appropriate for use in that area given the limitations of the geography, bathymetry, water depths, tides, currents and other local environmental conditions. For those areas that require shallow-water response capability (refer to the relevant Coast Guard Area Contingency Plan), the plan shall provide for an adequate number of shallow-draft vessels (as defined in Section 815.05 of this subchapter) to be under contract and available to respond to provide shoreline protection of all sensitive sites identified in the trajectory analysis conducted as part of the Environmental Consequence Analysis. Additionally, the equipment identified shall also be appropriate for use on the type of oil identified. The following information must be provided:

1. the location, inventory and ownership of the equipment to be used to fulfill the response requirements of this subchapter;
2. the manufacturer's rated capacities and operational characteristics for each major item of oil recovery

equipment;

3. the type and capacity of storage and transfer equipment matched to the skimming capacity of the recovery systems;
4. the derated capacity (as defined in Chapter 1, Section 790 of this subdivision) for each major piece of on-water recovery equipment listed, as well as the derated capacity for the skimming systems as a whole.
 - i. A request may be submitted to the Administrator to review the derated capacity for a piece of equipment if it can be shown that the equipment has a different capacity than the derating factor allows.
 - ii. The Administrator's decision regarding a change in the derated capacity for a piece of equipment will be issued as soon as administratively feasible.
5. vessels designated for oil recovery operations, including skimmer vessels and vessels designed to tow and deploy boom;
6. pumping and transfer equipment for transferring oil from damaged structures, or from undamaged structures which might be at risk of discharging additional oil;
7. procedures for storage, maintenance, inspection and testing of spill response equipment under the immediate control of the operator;

(6) On-Water Response and Recovery Strategies

Utilizing the equipment that must be under contract, each plan shall describe methods to contain spilled oil and remove it from the environment. The equipment identified for a specific area must be appropriate for use in that area given the limitations of the bathymetry, geomorphology, shoreline types and other local environmental conditions. Additionally, the equipment identified shall be appropriate for use on the type of oil identified. The description shall include:

(A) methods for on-water containment and removal of oil in open-water environments;

(B) methods for adapting on-water containment and removal strategies in order to address the spill as it moves to the close-to-shore environment. This description shall include, where appropriate, methods for carrying out response operations and protection strategies in shallow-water environments, as identified in the trajectory analysis conducted as part of the Environmental Consequence Analysis.

(f) Shoreline Protection and Clean-up

Each plan must provide for shoreline protection and clean-up of all areas identified as potential spill sites in the Environmental Consequence Analysis. Each plan shall demonstrate that the VCOASC has access to all necessary equipment and services to address the Protection and Response Strategies appropriate to each shoreline that could potentially be impacted by a spill from the vessel.

To determine the amount and type of shoreline protection and clean-up capability that must be under contract in each of these areas, each VCOASC must calculate a Shoreline Response Planning Volume as outlined below:

(1) Reasonable Worst Case Spill

To calculate the planning volume, it is first necessary to determine the reasonable worst case spill for each VCOASC. The reasonable worst case spill is calculated as 30% of the vessel's total cargo capacity of petroleum products.

(2) Persistence and Emulsification Factors

(A) The reasonable worst case spill volume is then multiplied by a persistence factor relative to the most persistent type of oil that may be spilled. The persistence factors relative to the type of oil spill, are specified below:

Oil Group	Group 1	Group 2	Group 3	Group 4
Shoreline Volumes	.10	.30	.50	.70

(B) Emulsification Factors

The volume determined from the calculation above is then multiplied by one of the following emulsification factors, again, based on the type of oil.

Oil Group	Group 1	Group 2	Group 3	Group 4
Emulsification	1.0	1.8	2.0	1.4

(C) Total Shoreline Equipment Required

The total determined by this calculation is a Response Planning Volume.

1. The Response Planning Volume to be used to determine the amount of Response Equipment and Services required that must be under contract shall be the greater of the amount determined in Subsections 818.03(f)(1) - (2) or the Adjusted Planning Volume calculated for On-Shore Recovery Volume for the Near-shore/Inland Environment in the vessel's federal response plan prepared pursuant to 33 CFR, Part 155.1045.
2. The calculations used to determine the Response Planning Volume shall be included in the plan.

(3) Shoreline Protection Equipment and Services

Each plan must identify, and ensure availability through a contract or other approved means (as defined in Section 815.05(b) of this subchapter), an oil spill response organization capable of effecting shoreline protection strategies. Such protection strategies must be commensurate with the Shoreline Response Planning Volume, calculated for potential shoreline impact, and must be capable of addressing all appropriate Protection,

Response and Clean-Up Strategies. The specific areas where equipment and services must be available for use shall be identified in the Environmental Consequence Analysis.

- (A) The equipment identified for a specific area must be appropriate for use in that area given the limitations of the bathymetry, geomorphology, shoreline types and other local environmental conditions. Additionally, the equipment identified shall be appropriate for use on the type of oil identified.

The following information must be provided:

1. the amounts of all protective booming, shallow-draft vessels, and shoreline clean-up equipment necessary to address the specific types of shorelines that may be impacted;
2. the location, inventory and ownership of the equipment to be used to fulfill the response requirements; and
3. the procedures for storage, maintenance, inspection and testing of spill response equipment under the immediate control of the operator.

(4) Shoreline Protection Capability Standards

- (A) Each plan must provide sufficient diversionary and protective boom and any other shoreline protection equipment. The amount of such equipment may be determined from information provided in the applicable Area Contingency Plan, and shall be available as follows:

1. within 30 minutes after notification, the equipment must be available for immediate delivery and deployment; and
2. the equipment must be available to protect the environmental, economic or culturally sensitive shoreline areas identified by the Environmental Consequence Analysis. To protect these sites, the equipment must be capable of being deployed and operable in 2 hours, or by the times established by the trajectory analysis conducted as part of the Environmental Consequence Analysis.

- (B) As part of the Coastal Protection Review, the Administrator may also use information provided in the vessel's federal response plan to determine whether there is sufficient shoreline protection capability in each Geographic Region.

(5) Shoreline Clean-Up Strategies

- (A) Utilizing the equipment that must be under contract, each plan shall describe methods to contain spilled oil and remove it from the environment. The equipment identified for a specific area must be appropriate for use in that area given the limitations of the bathymetry, geomorphology, shoreline types and other local environmental conditions. Additionally, the equipment identified shall be appropriate for use on the type of oil identified. The description shall include;

1. all shoreline protection procedures and oil diversion and pooling procedures for the close-to-shore

environment. This description shall include, where appropriate, methods for carrying out response operations and clean-up strategies in shallow-water environments, as identified in the trajectory analysis conducted as part of the Environmental Consequence Analysis;

2. methods for shoreside clean-up, including containment and removal of surface oil, subsurface oil and oiled debris and vegetation from all applicable shorelines, adjacent land and beach types; and
3. measures to be taken to minimize damage to the environment from land operations during a spill response, such as impacts to sensitive shoreline habitat caused by heavy machinery or foot traffic.

(B) Protection, response and clean-up strategies will be specific to the type of oil spilled, and the expected spill impact sites as identified in the Environmental Consequence Analysis, and the resources at risk at those spill sites.

(C) Each plan must utilize all the strategies appropriate to the potential impact sites.

(g) Response Procedures

- (1) Each plan shall describe the organization of the VCOASC's spill response management team. An organizational diagram depicting the chain of command shall also be included. Additionally, the plan shall describe the method to be used to integrate the plan holder's organization into the State Incident Command System and/or the Unified Command Structure as required by Title 8, California Code of Regulations, Subsection 5192(p)(8)(D)(2).

(A) The plan holder may utilize the procedures outlined in the appropriate Federal Area Contingency plan when describing how the vessel's chain of command will interface with the State Incident Command System which utilizes the Unified Command.

- (2) Each plan shall include a checklist, flowchart or decision tree depicting the procession of each major stage of spill response operations from spill discovery to completion of clean-up. The checklist, flowchart or decision tree shall describe the general order and priority in which key spill response activities are performed.
- (3) Each plan shall describe how the owner/operator will provide onboard emergency services before the arrival of local, state or federal authorities on the scene, including:

(A) procedures to control fires and explosions, and to rescue people or property threatened by fire or explosion;

(B) procedures for emergency medical treatment and first aid,

- (4) Each plan shall describe equipment and procedures to be used by VCOASC personnel to minimize the magnitude of a spill and minimize structural damage which may increase the quantity of oil spilled.
- (5) Each plan shall detail the lines of communications between the responsible party, the Qualified Individual and the on-scene commanders, response teams, local, state, and federal emergency and disaster responders, including:

- (A) communication procedures;
- (B) the communication function (e.g., ground-to-air) assigned to each channel or frequency used;
- (C) the maximum broadcast range for each channel or frequency used; and
- (D) redundant and back-up systems.

(6) Each plan shall provide for post-spill review, including methods to review both the effectiveness of the plan and the need for plan amendments.

- (A) The result of the review shall be forwarded to the Administrator within 90 days following the completion of response and clean-up procedures.
- (B) The review shall be used by the Administrator only for the purposes of proposing future amendments to the contingency plan.

(7) Each plan shall describe the procedures to manage access to the spill response site, the designation of exclusion, decontamination and safe zones, and the decontamination of equipment and personnel during and after oil spill response operations, as required by the California Occupational Safety and Health Administration.

(8) Each plan shall describe the procedures for the evaluation of health and safety concerns and the determination of site safety prior to beginning oil spill response operations and clean-up activities.

(h) Notification Procedures

(1) Each plan shall include a list of contacts to call in the event of a drill, threatened discharge of oil, or discharge of oil. The plan shall:

(A) identify a central reporting office or individual who is responsible for initiating the notification process and is available on a 24-hour basis. The following information must be provided:

- 1. the individual or office to be contacted;
- 2. telephone number or other means of contact for any time of the day; and
- 3. an alternate contact in the event the individual is unavailable.

(B) detail the procedures for reporting oil spills to all appropriate local, state, and federal agencies within each of the six Geographic Regions that the VCOASC transits;

(C) establish a clear order of priority for notification.

(2) Immediate Notification

Nothing in this section shall be construed as requiring notification before response.

- (A) Each plan shall include a procedure for contacting the primary OSRO in each of the six Geographic Regions that the VCOASC transits within 30 minutes of the discovery of a discharge of oil or threatened discharge of oil.
- (B) Each plan shall include a procedure that ensures that the owner/operator or his/her designee will initiate contact with the Qualified Individual, the California Governor's Office of Emergency Services and the National Response Center immediately, but no longer than 30 minutes, after discovery of a discharge of oil or threatened discharge of oil.
- (C) Each plan shall include all phone numbers necessary to complete the immediate notification procedures.
- (3) Each plan shall identify a call-out procedure to acquire the resources necessary to address spills that cannot be addressed by the equipment that the owner/operator is required to have under contract. Procedures must allow for initiation of the call-out within 24 hours of the incident and must begin as soon as a determination has been made that additional resources are necessary.
- (4) Each plan shall provide a checklist of the information to be reported in the notification procedures, including but not limited to:
 - (A) vessel name, country of registry, call sign, and official number;
 - (B) location of the incident;
 - (C) date and time of the incident;
 - (D) course, speed and intended track of the vessel;
 - (E) the nature of the incident;
 - (F) an estimate of the volume of oil spilled and the volume at immediate risk of spillage;
 - (G) the type of oil spilled, and any inhalation hazards or explosive vapor hazards, if known;
 - (H) the size and appearance of the slick;
 - (I) prevailing weather and sea conditions;
 - (J) actions taken or planned by personnel on scene;
 - (K) current condition of the vessel;
 - (L) injuries and fatalities; and

(M) any other information as appropriate.

(5) Reporting of a spill as required by Section 818.03(h)(2) shall not be delayed solely to gather all the information required by Subsection 818.03(h)(4). If the required information is not available, the plan shall specify how the information will be obtained.

(6) An updated estimate of the volume of oil spilled and the volume at immediate risk of spillage shall be reported to the California Governor's Office of Emergency Services whenever a significant change in the amount reported occurs, but not less than every 12 hours within the first 48 hours of response. The State Incident Commander and/or the Federal On-Scene Coordinator through the Unified Command shall have the option of increasing or decreasing this timeframe, as needed. Updated spill volume information included in the Incident Action Plan developed through the Unified Command will meet the requirements of this subsection.

(i) Temporary Storage and Waste Management

(1) Each plan shall identify sufficient temporary storage for all recovered oil or all oily waste, or identify facilities that would be able to accept the recovered oil or oily waste for recycling or other means of waste management. Sufficient storage shall be no less than two times the required Response Capability Standards as determined in Subsection 818.03(e)(3).

(2) Each plan shall identify the party that shall maintain responsibility for recovered oil and oily waste for the purposes of temporary storage.

(3) Each plan shall describe site criteria and methods used for temporary storage of recovered oil and oily wastes generated during response and clean-up operations, including known available sites.

(4) Each plan shall identify all applicable permits, and all federal, state and local agencies responsible for issuing those permits for transit, temporary storage and ultimate waste management of all hazardous waste products likely to result from an oil spill.

(5) Each plan shall include information which could expedite the state approval process for the use of temporary waste storage sites, including a list of appropriate contacts and a description of procedures to be followed for each approval process.

(j) Wildlife Rehabilitation Requirements

Each plan shall describe how oiled wildlife care will be provided by one of the following approved means:

(1) Utilize the California Oiled Wildlife Care Network (OWCN) to meet oiled wildlife care requirements: or

(2) describe procedures that clearly outline how oiled wildlife care will be provided. The equipment, facilities, and personnel necessary to implement these procedures must be identified and assured by contract for each Geographic Area covered by the plan. Standards for wildlife care must comply with all applicable State and federal laws.

(k) Training

- (1) Each plan shall provide that all appropriate personnel directly responsible to the owner/operator shall receive training in the use and operation of oil spill response and clean-up equipment. The plan shall describe:
 - (A) the type and frequency of training that each individual in a spill response position receives to achieve the level of qualification demanded by their job description;
 - (B) the procedures, if any, to train and use volunteers or other additional personnel in spill response operations as necessary for the size of the spill.
- (2) Each plan shall describe the type and frequency of personnel training on methods to reduce operational risks. The description of the training shall include, if applicable, the following:
 - (A) the means of achieving any established training objectives, such as:
 1. training programs for each position involved with the various aspects of the operation that could result in a spill (e.g., position responsible for vessel inspections or transfers);
 2. a training schedule, including adequate frequency, (e.g., initial training upon hire and annual refresher training) and type of training (workshops, classroom, videotape, on-the-job training, etc.) for each position trained;
 - (B) licenses, certifications or other prerequisites to hold particular jobs.
- (3) Each plan shall provide for safety training as required by state and federal health and safety laws for all personnel likely to be engaged in oil spill response, including a program for training non-permanent responders, such as volunteers or temporary help.
- (4) The VCOASC owner/operator shall ensure that training records are maintained for three years. All such documentation must be made available to the Administrator upon request.
- (l) Drills and Exercises - Type and Frequency
 - (1) A vessel owner/operator shall conduct drills and exercises as necessary to ensure that the elements of the plan will function in an emergency. Each plan shall describe the VCOASC's drill and exercise program, including how the plan assures shoreline protection strategies (for all environmentally sensitive sites identified as potentially impacted in the vessel's Environmental Consequence Analysis) will be exercised, as outlined in Section 820.01(f) of this subdivision. The following are the necessary drill and exercise frequencies for all vessels as consistent with the National Preparedness for Response Exercise Program (PREP):
 - (A) manned-vessel onboard emergency procedures and qualified individual notification drills shall be conducted quarterly;
 - (B) shore-based spill management team tabletop exercise shall be conducted yearly.
 - (2) Drills shall be designed to exercise either components of or the entire response plan. Such drills, individually or in combination, shall ensure that the entire plan is exercised at least once every three years.

(3) The vessel owner/operator shall maintain adequate records of drills and exercises, for a period of at least three years, to include the following:

(A) all drills and exercises conducted aboard the vessel shall be documented in the ship's log;

(B) records of any off-vessel drills and exercises of the response organization and resources identified in the contingency plan shall be maintained at the United States location of either the Qualified Individual or the vessel owner/operator. Contingency plans should indicate the location of these records.

Note: Evaluation and credit criteria for drills and exercises are described in Section 820.01 of this subchapter.

Note: Authority cited: Sections 8670.7, 8670.28, 8670.29 and 8670.30, Government Code.

Reference: Sections 8670.7, 8670.10, 8670.25.5, 8670.27, 8670.28, 8670.29, 8670.30, 8670.31, and 8670.37.51, Government Code.

819. OIL SPILL RESPONSE ORGANIZATION (OSRO) RATING

819.01 Purpose and Scope

- (a) The Oil Spill Response Organization Rating process was developed to facilitate the preparation and review of oil spill contingency plans. An owner or operator who is required to submit a contingency plan must, among other things, identify and ensure by contract or other approved means the availability of personnel and equipment necessary to respond to all contingency plan requirements. Plan holders that have a contract or other approved means for the booming, on-water recovery and storage, and shoreline protection services of a Rated OSRO do not have to list that OSRO's response resources in their plan. A Rated OSRO has received an OSRO Rating Letter (ORL) from OSPR for the booming, on-water recovery and storage and shoreline protection services as listed in their application.
- (b) Any Rating levels assigned pursuant to this section are for planning purposes and may not reflect the exigencies of actual spill response.
- (c) Only OSRO's that receive a Rating from OSPR are eligible to enter into agreements for response services pursuant to Government Code 8670.56.6.(j)(1), for the response resources as listed in their ORL.

Note: Authority cited: Sections 8670.28, 8670.30 and 8670.56.6.(j)(1), Government Code.

Reference: Sections 8670.28, 8670.30 and 8670.56.6.(j)(1), Government Code.

819.02 OSRO APPLICATION CONTENT

(a) General Information

An individual or entity may apply for consideration as a Rated OSRO for oil spill response operations. OSPR will only grant Ratings by Geographic Regions (or Geographic Response Plan areas, if established) for the following services: booming; on-water recovery and storage; and shoreline protection. Ratings of six hours or earlier require dedicated response resources (as defined in Section 815.05(c) of this subchapter) or OSRO-owned and controlled (as defined in Section 815.05(k) of this subchapter). An OSRO's existing Letter of Approval issued from the Administrator shall remain valid unless revoked, and shall be deemed to meet the requirements of this section for three years from the date of the letter's issuance or until January 1, 2003, whichever date occurs later. OSRO's without a current Letter of Approval must submit a completed application within 60 calendar days prior to citing the OSRO's response resources and services to comply with the contingency planning requirements for tank vessels, nontank vessels and marine facilities. The following information is required before an application will be reviewed:

- (1) the OSRO's name, contact person, mailing and physical addresses, facsimile and telephone numbers;
- (2) all subcontractor's name(s) (if applicable), contact person, mailing and physical addresses, facsimile and telephone numbers;
- (3) list of plan holders contracted with;
- (4) for the previous two years from the date of the application, documentation of California oil spills responded to or California equipment deployment exercises participated in, including personnel and equipment used for the response/exercise;
- (5) an organizational diagram depicting the OSRO's response organization and management/command structure;
- (6) a description of the roles, responsibilities and method to interface the OSRO's organization with the State Incident Command System and/or the Unified Command Structure as required by Title 8, CCR, Subsection 5192(q)(3)(A). (The OSRO may utilize the appropriate Area Contingency Plan as a reference for information on the Incident Command System/Unified Command Structure).
- (7) for each type of service, the types of oil to which the OSRO is willing and able to respond;
- (8) a description of the OSRO's communications equipment, to include:

- (A) the amount of equipment;
- (B) the frequencies to be used; and
- (C) the number of certified operators.

(b) Equipment and Personnel

The application shall include for each location (i.e., where the equipment is stored, moored and operating area), the following information as applicable for the response equipment and personnel available to respond, indicating whether company owned/employee or subcontracted (including subcontractor's name), and dedicated or non-dedicated or OSRO-owned and controlled (as defined in Section 815.05 of this subchapter), that forms the basis for the requested Rating, Note: Ratings for six hours or earlier require sufficient dedicated response resources (as defined in Section 815.05(c)) or OSRO-owned and controlled resources (as defined in Section 815.05(k)), except for shoreline protection services in which the six hour dedicated resources requirement will be phased in as specified in Section 819.02(d)(4) of this subchapter. The required information shall include but not be limited to:

- (1) A description of the boom to include:
 - (A) total lengths of boom by type;
 - (B) manufacturer name and model;
 - (C) freeboard and draft
 - (D) connector type; and
 - (E) intended operating environments;
- (2) A description of the skimmers (including Oil Spill Response Vessels (OSRV)) to include:
 - (A) total number of skimmers by type;
 - (B) manufacturer name and model;
 - (C) intended operating environments, including current;
 - (D) skimmer type by design (i.e., stationary, advancing, self-propelled, stationary/advancing);
 - (E) manufacturer's nameplate capacity;

- (F) Effective Daily Recovery Capacity (EDRC);
 - (G) on board storage capacity integral to the skimmer;
 - (H) storage capacity of the skimming system external to the skimmer (e.g., dracones, tank barges, etc.), if any, and pump rate for off loading on-board storage; and
 - (I) maximum draft;
- (3) A description of the response vessels (not including OSRV's) to include:
- (A) vessel name;
 - (B) vessel length, width, and draft;
 - (C) vessel type by design;
 - (D) current documentation/registration;
 - (E) intended operating environments;
 - (F) ability to tow;
 - (G) horsepower;
 - (H) amount of boom on board;
 - (I) pump rate for off loading on-board storage; and
 - (J) applicable design limits, including suitability for different types of oils, operating environments as related to adverse weather, and draft;
- (4) A description of the recovered oil storage to include:
- (A) type/name;
 - (B) official number;
 - (C) length/beam/draft;
 - (D) maximum capacity;

- (E) a copy of the vessel's Certificate of Inspection or other documentation as applicable;
- (5) For all equipment, all inspections and maintenance must be documented and the records maintained for 3 years. The location of the records must be noted in the application, and all records must be available for review during verification inspections conducted by OSPR.
- (6) for any equipment not located in the Geographic Region for which a Rating is sought, the applicant shall provide attestation that the equipment is transportable and available for use within the Rating time period;
- (7) Equipment shall be listed only if it is in a fully operable condition. Future equipment, ordered but not yet delivered and fully operable, may be listed, but it must be listed and identified separately with its date of availability indicated.
- (8) Personnel
For all personnel identified as a spill response resource, the application shall include for each Geographic Region that the OSRO is requesting a Rating:
 - (A) the number of personnel that are to be utilized for response activities at the six hour response level or earlier, their assignments during spill response, and whether they are dedicated or OSRO-owned and controlled or non-dedicated personnel. A list matching trained personnel by name to the equipment type and the services offered shall be made available for review during verification inspections by OSPR;
 - (B) the plan for mobilization of personnel including cascading additional personnel, and estimated time of mobilization;
 - (C) a list of the training and qualifications required for each spill response assignment including:
 - 1. all appropriate State and federal safety and training requirements, including the OSHA requirements for Hazardous Operations and Emergency Response, and the requirements under Title 8, California Code of Regulations, Section 5192;
 - 2. the number of trained supervisors and laborers, and the types of training received;
 - 3. the procedures for training personnel;

4. the timelines for mobilizing and training additional response personnel not under contract; and
5. a statement by the OSRO certifying that all personnel within a job category have the requisite training and qualifications for their assignment during spill response.
6. Documentation of training and qualifications shall be maintained by the OSRO and shall be made available to the Administrator upon request.

(c) Subcontracted Response Resources

If response resources that form the basis for the assigned Rating is under contract from another party, and if the information required in this subsection is not listed elsewhere, provide the following information:

- (1) on-site deployment timeframes by Geographic Region and operating environments;
- (2) A valid contract from each company that is providing the contracted resources shall be submitted to OSPR for review. If all subcontracts are the same, submitting one contract along with the signature pages for any additional contracts shall suffice. The contract shall include, but not be limited to, the following:
 - (A) the name of the company providing the resources (subcontractor);
 - (B) a complete listing and storage location of the specific resources being provided;
 - (C) the timeframe for which the agreement is valid;
 - (D) any limits on the availability of resources;
 - (E) a signed letter from the subcontractor by an authorized individual; to the OSRO stating the following:

“The information provided regarding [subcontractor] response equipment and personnel is factual and correct to the best of my knowledge and belief. I agree to allow OSPR personnel access to my facility and records for the purpose of verifying the information contained in the Rating application in which my assets are listed. I agree to

participate in announced and unannounced drills as set forth in Section 819.03 of this subchapter to verify any or all of the information regarding my response equipment and personnel contained in a Rating application”.

- (3) Any drill or inspection of subcontracted response resources shall be coordinated with the OSRO whose application contains the subcontracted response resources.
 - (4) If the subcontracted response resources are not dedicated response resources, the OSRO must ensure the availability of non-dedicated response resources by contract in quantities equal to twice what the OSRO requires of the dedicated response resources. These non-dedicated response resources are subject to verification inspections and will be required by the Administrator to participate in an announced and unannounced drill(s).
- (d) Service-specific Information
- (1) List the Geographic Response Plan (GRP) area(s), (or the Geographic Regions(s) as defined in Chapter 1, Section 790 (ACP Areas), if GRP's are not established) in which spill response services are being offered. Include for each GRP or region:
 - (A) the services being offered and/or under contract (i.e., booming, on-water recovery and storage, and shoreline protection services);
 - (B) estimated timeframes to deploy equipment/resources at scene,
 - (C) operating environment(s) as described in 33 CFR 154, as applicable, including the OSRO's minimum operating depth, and
 - (D) requested Rating level, as described in Section 819.04 of this subchapter.
 - (2) for each Rating level as described in Section 819.04, and for each service offered, a written plan of operations including a call-out list for each GRP, or Geographic Region (ACP area if GRP's are not established), and operating environment of response coverage. The written plan of operations can be limited to the following time frames: six hours for High Volume Ports; 12 hours for Facility/Transfer Areas; and 18 hours for Balance of the Coast. However, a written general plan to acquire response resources beyond these time frames is still required. As applicable, the plan will describe the number(s), type(s), means of deployment, and operations of all oil spill response equipment and trained personnel, including subcontracted resources, that the applicant would use for a spill of 50 barrels, a spill of 3,125 barrels and the largest reasonable worst case spill for which the applicant would be contractually responsible.

- (3) The applicant shall submit a description of the systems approach (as defined in Section 815.05 of this subchapter) for the services offered (i.e., booming, on-water recovery and storage, and shoreline protection services) in a narrative format, for the equipment listed in Subsection (b) including, but not limited to:

(A) for all boom:

1. describe how boom is transported and method of deployment.

(B) for all skimmers (including vessel of opportunity skimming systems (VOSS)):

1. describe how the skimmer is deployed and operated;
2. describe how skimmer is transported.

(C) for all vessels (OSRO owned vessels, and subcontracted vessels):

1. describe how vessel is transported; and
2. describe type of spill response service the vessel is primarily to be used for (e.g., OSRV, skimming, towing boom, boom deployment).

(D) for all recovered oil storage:

1. describe how recovered oil is transported to/from storage.

- (4) for all shoreline protection services of environmentally sensitive sites:

(A) OSRO's will receive a Rating for each GRP (or Geographic Region as defined in Chapter 1, Section 790 (ACP Area)). Ratings will reflect the OSRO's capability to deliver and deploy equipment to the area(s) designated by the OSRO.

(B) The Rating(s) requested by the OSRO shall be justified by providing documentation specifying: location of both ACP and plan holder-identified environmentally sensitive sites to be protected, as determined by the OSRO; equipment and personnel; estimated time of arrival at the site to be protected; and deployment times. Announced and unannounced drills will be used to validate the Rating(s).

(C) Ratings up to and including six hours require sufficient dedicated response resources or OSRO-owned and controlled resources which shall be phased in as follows (OSRO-owned and controlled resources refers to equipment owned by the OSRO,

and personnel who are employed directly by the OSRO):

1. 50% of the shoreline protection resources shall be required to be dedicated response resources or OSRO-owned and controlled resources by January 1, 2003;
2. 75% of the shoreline protection resources shall be required to be dedicated response resources or OSRO-owned and controlled resources by January 1, 2005.

(e) Attestation

The application shall contain the following language, signed and dated from the OSRO, by an authorized individual:

“The information provided regarding response equipment and personnel is factual and correct to the best of my knowledge and belief. I agree to allow OSPR personnel access to my facility, prior and subsequent to receiving a Rating, for the purpose of verifying the information contained in this application. I understand that all response resources identified for Rating purposes are subject to verification visits. I agree to participate in announced and unannounced drills as set forth in Section 819.03 of this subchapter to verify any or all of the information contained in this application, prior and/or subsequent to receiving a Rating”.

(f) Confidentiality

- (1) An applicant may request that proprietary information be kept confidential. Such a request must include justification for designating the information as confidential. The Administrator will make a determination regarding that information which may be considered confidential and removed from any copy of the application that is made available for public review.

(A) An applicant may also request that any reports, or studies prepared or submitted under any OSRO certification requirements be designated as proprietary information. Such a request must include justification for designating the report or study as confidential.

- (2) Any information designated as confidential must be clearly identified as proprietary.

- (3) If an applicant designates information as confidential, two different copies of the application must be submitted as follows:

(A) one copy must contain the confidential information. This application will be utilized in the review and Rating process;

(B) one copy must be submitted with the confidential information removed. This copy will be available for public review. This application must contain sufficient

information in place of the confidential information so that any individual reviewing the application will understand all the elements of the application.

Note: Authority cited: Sections 8670.28 and 8670.30, Government Code. Reference: Sections 8670.10, 8670.19, 8670.28 and 8670.30, Government Code.

819.03 APPLICATION REVIEW, VERIFICATION AND DRILLS

(a) Review For Rating

- (1) An application will be reviewed within 90 calendar days of receipt or resubmission.
- (2) The Administrator shall rate an OSRO upon determination that the applicant has met the requirements for the appropriate Rating levels, as outlined in Subsection 819.04(b)(2), for the equipment, services and operating environments listed in the application. The Administrator shall not issue a Rating until the applicant OSRO successfully completes an unannounced drill to verify the information in the OSRO's application.
- (3) A Rating may be denied or modified if the Administrator determines that the OSRO applicant fails to meet the criteria for the Rating level of any services, based upon inspection, verification or performance of an announced and unannounced drill or actual spill, or for other reasons as determined by the Administrator. The Administrator may require the satisfactory completion of an unannounced drill of each rated OSRO prior to being granted a modified rating, or for renewal, or prior to reinstatement of a revoked or suspended rating.

(b) Standards For Review

OSRO Rating Letters will be issued to OSROs subject to the following conditions:

- (1) Equipment, equipment maintenance records, and personnel training records, and personnel-specific equipment qualifications must be verifiable by inspection by the Administrator. Any resources not on site at the time of an inspection will not be counted until verified by subsequent inspection.
- (2) Response personnel must comply with all appropriate State and federal safety and training requirements. Safety requirements include, but are not limited to, the following (found in Title 8, California Code of Regulations):
 - Trenching and Shoring (Section 1504, 1539-1547)
 - Electrical Safety (Section 2299-2974)
 - Injury and Illness Prevention Program (Section 3203)
 - Employee Exposure Records (Section 3204)
 - Transporting Employees (Section 3702)
 - Crane Safety (Section 4885-5049)
 - Noise/Hearing Conservation (Section 5095-5100)

Ergonomics (Section 5110)
Respiratory Protection (Section 5141 and 5144)
Airborne Contaminants/Employee Exposure Monitoring (Section 5155)
Confined Space (Section 5157-5159)
Hazardous Waste Operation and Emergency Response (Section 5192)
Hazard Communication (Section 5194)
Benzene Standard (Section 5218)

(3) Safety and training records may be inspected for verification.

(c) Inspections and Verification of Response Resources

(1) OSROs seeking a Rating are subject to unannounced inspections anytime prior and subsequent to receiving a Rating to verify the response services cited in the application.

(A) Any contract or sub-contract for response resources listed in the application must acknowledge OSPR personnel's right to inspect and verify listed contracted response resources as provided in this section or those response resources will not be counted. Inspection of sub-contracted response resources shall be coordinated with the OSRO whose application contains the subcontracted response resources.

(2) The Administrator or any duly authorized representative of OSPR may do any of the following:

(A) enter the OSRO's or sub-contractor's facility or other areas where response service equipment is stored or serviced to inspect the response services cited in the application;

(B) document, photograph or videotape any response service equipment;

(C) request start up, operation, or demonstration of any response service equipment or response system cited in the application;

(D) inspect and copy any documents, reports, equipment maintenance records, employee training records, or other information required to verify the response services cited in the application.

(3) Deficiencies noted during the inspection may result in denial of the application, or revocation or modification of the OSRO's Rating as described in Section 819.06 of this subchapter. The OSRO may provide a written plan, to be approved by the Administrator, for correcting the deficiencies which states the actions to be taken and the expected dates of completion.

(4) The Administrator may accept an inspection completed by a governmental agency if all

requirements of this Sections 819 through 819.07 are met.

(5) OSRO Announced Drills and Inspections; and Unannounced Drills

Announced and unannounced drills shall be conducted to verify any or all of the elements of the services provided by an OSRO in its application prior and subsequent to issuing a Rating. A drill for the protection of environmentally sensitive areas shall conform as close as possible to the response that would occur during a spill but sensitive sites shall not be damaged during the drill. The Administrator may determine if actual spill response may be substituted in lieu of a drill, as described in CCR Section 820.01(k) of this subchapter.

(A) Announced Drills and Inspections

All OSRO's shall submit annual drill schedules to OSPR and conduct equipment deployment and sensitive site protection exercises for equipment listed in the application, including subcontracted equipment, for any services they are Rated for. The exact dates of the exercises shall be submitted 30 calendar days prior to the exercise being conducted.

1. At least 50% of all response equipment other than boom shall be exercised each year, and all response equipment, other than boom, shall be exercised over a two-year period. The OSRO will ensure that this equipment is identified/labeled and the same equipment is not used repeatedly for each exercise.
2. At least 33% of the boom listed in the application shall be inspected annually, and 1/3 of that 33% shall be deployed annually, and shall be representative of the total inventory contained in the application. The OSRO shall identify/label the boom and document the deployment or inspection.
3. For the equipment deployment exercises, the OSRO shall operate boats, boom and skimmers in each type of operating environment contained in the application.
4. Documentation that these exercises/inspections have been performed shall be submitted to OSPR within 30 calendar days after completion of the exercise/inspection. The equipment deployment exercises pursuant this subsection will also satisfy the equipment deployment exercise requirement of Section 818.02(l)(1)(D) for any vessel or Section 817.02(k)(3) for any marine facility that utilizes the OSRO's resources to fulfill the response element of the vessel or marine facility's own plan. These exercises will not fulfill the semi-annual equipment deployment exercise requirement of marine facility-owned equipment pursuant to Section 817.02(k)(1)(B).
5. OSROs shall ensure they coordinate equipment deployment exercises with all of their subcontractors. Full systems must be deployed and operating for all booming, on-water recovery and storage, and shoreline protection services.

(B) Unannounced Drills

OSROs are subject to unannounced drill(s) by OSPR to verify the ability of the OSRO to respond and deploy equipment and personnel as stated in the OSRO's application, prior and subsequent to receiving a rating. Unannounced drills will only be held to verify Ratings of 24 hours or earlier.

1. An OSRO shall be subject to one unannounced drill per year in each ACP area in which a Rating has been issued by OSPR. However, for ACP Area 2 only (as described in Chapter 1, Section 790(g)(2)(B)), if an OSRO applies for and receives a Rating for six hours or earlier they shall be subject to one unannounced drill each year in each of the Geographic Response Plan (GRP) areas identified in the ACP.
 - i. The Administrator may call a drill to test every service that the OSRO intends to provide, pursuant to the OSRO's application. Plan holders are still subject to unannounced drills for all required services, including those which OSPR does not Rate the OSRO.
 - ii. Each OSRO applying to provide shoreline protection services shall be subject to one unannounced drill that tests their ability to provide sensitive shoreline site protection services in each Geographic Region (or Geographic Response Plan area, if established) in which they apply to provide services.
2. Significant reductions in resources, as described in Section 819.05 of this subchapter, may warrant additional unannounced drills.
3. Failure to participate in an unannounced drill may result in denial or revocation of the OSRO's Rating as described in Section 819.06 of this subchapter.
4. The Administrator may modify, suspend or revoke an OSRO's Rating if the OSRO fails to satisfactorily complete a drill.
5. The Administrator may cancel an announced or unannounced drill at any time due to hazardous or other operational circumstances, which shall include but not be limited to:
 - i. any unsafe activity or condition;
 - ii. oil or cargo transfer operations;
 - iii. inclement weather or sea state;
 - iv. on-going spill response activities;

- v. emergency situation as determined by the U.S. Coast Guard Captain of the Port;
 - vi. other situations or conditions as determined by the Administrator
6. All non-governmental costs associated with an unannounced drill are the obligation of the OSRO.
 7. OSROs may identify client plan holder(s) who wish to receive credit for a drill as described in CCR Section 820.01 of this subchapter.
 8. The Administrator shall issue a written report evaluating the performance of the OSRO after every unannounced drill called by the Administrator within 30 calendar days.
 9. The Administrator shall determine whether an unannounced drill called upon the OSRO by a federal agency qualifies as an unannounced drill for the purpose of this section, as described in CCR Section 820.01(j).

Note: Authority cited: Sections 8670.28 and 8670.30, Government Code. Reference: Sections 8670.19, 8670.28 and 8670.30, Government Code.

819.04 OSRO RATING, UPDATE, AND RENEWAL PROCEDURE

(a) Filing

Applications must be filed with the Administrator of the Office of Spill Prevention and Response in the Department of Fish and Game. Applications shall either be delivered in person or sent by registered mail with return receipt requested, or other means as approved by the Administrator to the Marine Safety Branch of OSPR.

(b) OSRO Rating

- (1) Upon satisfactorily meeting the requirements of this subchapter, an OSRO will receive the OSRO Rating Letter (ORL) that will state the type of response services, GRP or ACP area, Rating time frame(s), the on-water daily recovery rate or feet of shoreline protection boom as applicable, and any applicable conditions or restrictions. An OSRO Rating may not be assigned, transferred, or assumed. An OSRO's existing Letter of Approval issued from the Administrator shall remain valid unless revoked, and shall be deemed to meet the requirements of this section for three years from the date of the letter's issuance or until January 1, 2003, whichever date occurs later. OSRO's without a current Letter of Approval must submit a completed application within 60 calendar days prior to citing the OSRO's response equipment and services to comply with the contingency planning requirements for tank vessels, nontank vessels and marine facilities.

- (2) Ratings will reflect for the type of response service(s) offered based on the projected arrival time of the response equipment and personnel within the designated operating areas. Note: Ratings for six hours or earlier require sufficient dedicated response resources (as defined in Section 815.05(c)) or OSRO-owned and controlled resources (as defined in Section 815.05(k)), except for shoreline protection services in which the six hour dedicated resources requirement will be phased in as specified in Section 819.02(d)(4) of this subchapter. Ratings for containment booming services only will be limited to 12 hours or earlier. For containment booming, on-water recovery and storage “on-scene” means that the equipment is at the scene of the spill, and deployed and operating within one hour of arrival at the scene of the spill, but no later than the designated time frame for each Rating(s). For shoreline protection “on-scene” means at the site to be protected, and deployed within one hour of arrival at the site, but no later than the designated time frame for each Rating(s). The Rating time frames are as follows:

Ratings Equipment On-Scene

- 0 On-scene within 30 minutes
- 1 On-scene within 1 hour
- 2 On-scene within 2 hours (Temporary storage on-scene within 4 hours)
- 3 On-scene within 3 hours
- 4 On-scene within 4 hours
- 6 On-scene within 6 hours
- 12 On-scene within 12 hours
- 18 On-scene within 18 hours
- 24 On-scene within 24 hours
- 36 On-scene within 36 hours
- 60 On-scene within 60 hours

(c) Updates

- (1) To maintain the OSRO's assigned Rating level, the following information shall be updated and submitted to OSPR:

- (A) the current list of the OSRO's client plan holders, submitted whenever there is a change in the list, and;
- (B) the current list of all owned and subcontracted oil spill response equipment and trained personnel listed in the application, that forms the basis for the assigned Rating, submitted within one year, and annually thereafter, of the anniversary date of the original Rating.

(d) Renewal

- (1) Ratings will be assigned for a period of three years unless suspended or revoked by the Administrator or assigned a modified Rating level. An OSRO must file an application for renewal prior to the expiration of the Rating.
- (2) Ratings may be renewed earlier at the request of the OSRO in the event the OSRO has sustained a significant increase or decrease in response resources.
- (3) The Administrator may require an earlier or more frequent Rating renewal than that required in Subparagraph (d)(1) above. The OSRO will be notified in writing if an earlier renewal is required. The notice will include an explanation of the reasons for the earlier Rating renewal. The circumstances that would warrant an earlier renewal include, but are not limited to, the following:
 - (A) a change in regulations;
 - (B) the development of new oil spill response technologies as determined by the Administrator;
 - (C) deficiencies in oil spill response capability identified by the Administrator as part of the Coastal Protection Review;
 - (D) an increased need to protect plant and wildlife habitat;
 - (E) deficiencies in oil spill response capability identified during an oil spill;
 - (F) deficiencies in oil spill response capability identified during an announced or unannounced drill;
 - (G) significant reductions to the OSRO's response capability; and
 - (H) any other situation deemed appropriate by the Administrator.

Note: Authority cited: Sections 8670.28 and 8670.30, Government Code. Reference: Sections 8670.28 and 8670.30, Government Code.

819.05 NOTICE OF REDUCTION IN RESPONSE RESOURCES

(a) The OSRO shall notify the Administrator of significant reductions in equipment, personnel or management 14 calendar days in advance. This notice may be oral, followed by a written notice as soon as possible, or in writing by facsimile or letter. If the reduction is unforeseen, oral notice shall be given immediately after becoming aware of such change. The notice shall include the identification of backup resources sufficient to maintain the OSRO's Rating level, subject to approval by the Administrator.

(1) a significant reduction is one that would affect the OSRO's ability to respond consistent with their assigned Rating level.

(b) It is the responsibility of the OSRO to verify and report to the Administrator any significant reductions in subcontracted equipment and personnel listed in the OSRO's application.

(c) Failure to notify the Administrator of significant reductions in response resources may result in the modification of a Rating level or revocation of the OSRO Rating Letter.

Note: Authority cited: Sections 8670.28 and 8670.30, Government Code. Reference: Sections 8670.28 and 8670.30, Government Code.

819.06 MODIFICATION, SUSPENSION, REVOCATION, OR DENIAL OF ASSIGNED RATING

(a) Criteria:

(1) Criteria for modification or suspension. The Administrator may modify or suspend an OSRO Rating at any time if the OSRO is not in compliance with the conditions of the Rating or the requirements of this subchapter.

(2) Criteria for revocation. The Administrator may revoke an OSRO Rating if the OSRO fails within 60 calendar days of written notification pursuant to Subsection (b) to correct deficiencies that were the cause of a Rating suspension, or if statutory enactments subsequent to the issuance of the Rating conflict with the purposes of the OSRO Rating program; except in the situation where a Rated OSRO has refused to participate in an announced or unannounced drill except as provided in Section 819.03(c)(5)(B)(5), or is unable to successfully complete an announced or unannounced drill due to significant reductions in response resources, in which case the Administrator may revoke the Rating at any time after the announced or unannounced drill is called.

(3) Criteria for Denial. The Administrator may deny an OSRO Rating if the OSRO has failed to provide the information required in the Rating application as set forth in section

819.02 or has failed to satisfy the Application review criteria set forth in Section 819.03. If the Administrator decides to deny an OSRO Rating, the Administrator shall issue a written statement of the basis for the denial.

(b) Procedure For Modification, Suspension, Revocation, or Denial.

- (1) When the Administrator believes there are valid grounds for modifying, suspending, revoking, or denying a Rating the OSRO shall be notified in writing of the proposed modification, suspension, revocation or denial by certified or registered mail. A proposed revocation notice shall be issued after the 60 day period required by subsection (a)(2) above, except in the situation where a Rated OSRO has refused to participate in an announced or unannounced drill, or is unable to successfully complete an announced or unannounced drill due to reductions in response resources, in which case the Administrator may revoke the Rating at any time after the announced or unannounced drill is called.
- (2) The notice shall identify the Rating to be modified, suspended, revoked or denied and the reason(s) for such modification, suspension, revocation or denial, and inform the OSRO of the right to object to the proposed modification, suspension, revocation or denial. The Administrator may amend any notice of modification, suspension, revocation or denial at any time.
- (3) Upon receipt of a notice of proposed modification, suspension, revocation or denial the OSRO may file a written objection to the proposed action. Such objection must be in writing, must be filed within 45 calendar days of the date of the notice of proposal, must state the reasons why the OSRO objects to the proposed modification, suspension, revocation or denial, and may include supporting documentation.
- (4) A decision on the proposed modification, suspension, revocation or denial shall be made within 45 calendar days after the end of the objection period. The Administrator shall notify the OSRO in writing of the decision and the reasons. The Administrator shall also provide the applicant with the information concerning the right to request reconsideration of the decision under Section 819.07 of this subchapter and the procedures for requesting reconsideration. No Rating may be revoked pursuant to this section unless it has first been suspended pursuant to this section, except as provided in Section 819.06(b)(1).
- (5) The Rating shall remain valid and effective pending any final determination pursuant to Section 819.07 of this subchapter, except that a Rating may be revoked immediately if statutory enactments subsequent to the issuance of the Rating conflict with or prohibit the continuation of the Rating, or if the Administrator determines that significant reductions in response resources have affected the OSRO's ability to respond consistent with their assigned Rating level and response planning volume.

Note: Authority cited: Sections 8670.28 and 8670.30, Government Code. Reference: Sections 8670.28 and 8670.30, Government Code.

819.07 RECONSIDERATION AND APPEAL PROCEDURES

(a) Request for reconsideration. Any person may request reconsideration of an action if that person is one of the following:

- (1) An applicant for an OSRO Rating or renewal who has received written notice of denial;
- (2) An OSRO who has a Rating modified, suspended, or revoked.

(b) Method of requesting reconsideration. Any person requesting reconsideration of an action must comply with the following criteria:

- (1) Any request for reconsideration must be in writing, signed by the person requesting reconsideration or by the legal representative of that person, and must be submitted to the Administrator.
- (2) The request for reconsideration must be received by the Administrator within 30 calendar days of the date of notification of the decision.
- (3) The request for reconsideration shall state the reason(s) for the reconsideration, including presenting any new information or facts pertinent to the issue(s) raised by the request for reconsideration.

(c) The Administrator shall notify the OSRO of his or her decision within 45 calendar days of the receipt of the request for reconsideration. This notification shall be in writing and shall state the reasons for the decision. The notification shall also provide information concerning the right to appeal and the procedures for making an appeal.

(d) Appeal. Any person who has received an adverse decision following a submission of a request for reconsideration may submit a notice of appeal to the Administrator. An appeal must be submitted within 30 calendar days of the date of the notification of the decision on the request for reconsideration. The request for appeal shall state the reason(s) and issue(s) upon which the appeal is based and may contain any additional evidence or arguments to support the appeal.

(e) Appeals Procedure.

(1) Upon receipt of a notice of appeal, the Administrator shall set the matter for a hearing.

(2) Any hearing required under this subchapter shall be conducted by an independent hearing officer according to the procedures specified in Government Code Section 11500 et seq. (The Administrative Procedures Act).

- (3) A hearing requested by the OSRO shall be conducted within 90 calendar days after the request for appeal is received by the Administrator, unless a later date is mutually agreed upon by the parties.
- (4) After conducting any hearing pursuant to this section, the hearing officer within 30 calendar days after the hearing is held, shall issue a written decision.
- (5) Within 60 calendar days after service of a copy of a decision issued by the hearing officer, any person so served may file with a court a petition for writ of mandate for review of the decision. Any person who fails to file the petition within the 30-day period may not challenge the reasonableness or validity of a decision or order of the hearing officer in any judicial proceedings brought to enforce the decision or order or for other remedies. Except as otherwise provided, Section 1094.5 of the Code of Civil Procedure shall govern any proceedings conducted pursuant to this Section 819.07. In all proceedings pursuant to this Section 819.07, the court shall uphold the decision of the hearing officer if the decision is based on substantial evidence in the whole record. The filing of a petition for writ of mandate shall not stay any corrective action required pursuant to this act. This subdivision does not prohibit the court from granting any appropriate relief within its jurisdiction. The decision of the hearing officer shall constitute the final administrative decision.

Note: Authority cited: Sections 8670.28 and 8670.30, Government Code. Reference: Sections 8670.820.01

Drills and Exercises - Evaluation and Credit

- (a) Exercises shall be designed to exercise either individual components of the plan, as described in 820.01 (c), or the entire response plan. Such exercises, individually or in combination, shall ensure that the entire plan is exercised at least once every three years. Any number of components may be tested during the exercises required by Sections 817.02(k)(1), 817.03(k)(1), 818.02(l)(1) and 818.03(l)(1).
- (b) To receive credit from OSPR for an exercise, the following notification requirements must be met:
 - (1) The owner/operator shall invite the Administrator to participate in both the equipment deployment exercises and the management team tabletop exercises and shall submit written notification including, but not limited to, the following information: company name, address, marine facility/vessel name, OSPR contingency plan number, point of contact, phone/FAX number, type of exercise, date, time and location of exercise, sensitive sites being tested, exercise scenario description, objectives to be tested, and other participants in the drill. The owner/operator may use the OSPR Exercise Notification Form (FG OSPR 1964, 3/10/97) or a document that includes the same information as the Notification Form, for this purpose.
 - (2) The Administrator shall be given the following advance notice:

EXERCISE TYPE	MINIMUM NOTIFICATION REQUIRED
Tabletop Exercise, In-State	30 days
Tabletop Exercise, Out-of-State	90 days
Equipment Deployment Exercise	30 days
Full Scale Combination Exercise	60 days
Area Exercise	120 days
Internal Unannounced Exercise	30 days

- (c) The Administrator shall determine if the elements of the plan were adequately tested by the exercise scenario and the response of the participants. The Administrator shall give credit for all exercise objectives successfully met during the exercise. Objectives not successfully met during the exercise will not receive credit and must be exercised again within the three year cycle. Exercise objectives shall include, but not be limited to, the following (as set forth in Appendix B of the PREP guidelines):
- (1) Notifications: Test the notification procedures identified in the contingency plan;
 - (2) Staff mobilization: Demonstrate the ability to assemble the spill response organization identified in the contingency plan;
 - (3) Unified Command: Demonstrate the ability of the spill response organization to form or interface with a Unified Command;
 - (4) Discharge Control: Demonstrate the ability of the spill response organization to control and stop the discharge at the source;
 - (5) Assessment: Demonstrate the ability of the spill response organization to provide an initial assessment of the discharge and provide continuing assessments of the effectiveness of the tactical operations;
 - (6) Containment: Demonstrate the ability of the spill response organization to contain the discharge at the source or in various locations for recovery operations;
 - (7) Recovery: Demonstrate the ability of the spill response organization to recover the discharged product;
 - (8) Protection: Demonstrate the ability of the spill response organization to protect the environmentally and economically sensitive areas identified in the approved Area Contingency Plans;
 - (9) Waste Management: Demonstrate the ability of the spill response organization to properly manage the recovered product and to develop a waste management plan for approval by the Unified Command. The plan will include appropriate procedures for obtaining permits and/or waivers, waste characterization, waste minimization, volumetric determination, and overall waste management and final disposition, as appropriate;
 - (10) Communications: Demonstrate the ability to establish an effective communications system for the response organization;
 - (11) Transportation: Demonstrate the ability to provide effective multi-mode transportation both for execution of the discharge and support functions;
 - (12) Personnel Support: Demonstrate the ability to provide the necessary support of all personnel associated with the response;
 - (13) Equipment Maintenance and Support: Demonstrate the ability to maintain and support all equipment associated with the response;
 - (14) Procurement: Demonstrate the ability to establish an effective procurement system;

- (15) Documentation: Demonstrate the ability of the spill response organization to document all operational and support aspects of the response and provide detailed records of decisions and actions taken. These documents shall be provided to the Administrator upon request.
- (d) The owner/operator shall provide the following documentation in order to receive credit from OSPR for any exercise conducted:
- (1) the contingency plan number;
 - (2) a list of all other participants and their roles, including contingency plan numbers if applicable;
 - (3) the objectives tested, as listed in (c) above;
 - (4) the ACP-listed environmentally sensitive site protection response strategies tested;
 - (5) copies of documents created for the drill or exercise (such as the site safety plan and the incident action plan, if written);
 - (6) a list of the other regulatory agencies attending the drill or exercise, if any; and,
 - (7) an exercise evaluation or post-spill critique.
 - (8) for all exercises:
 - (A) information to demonstrate whether the identified objectives as listed in subsection (c) above, have been met. The Evaluator Work Sheet (FG OSPR 1963, 2/9/98) or a form that includes the same information, may be used to gather this information;
 - (B) information of concern to the local Area Planning Committee including, but not limited to, the following: objectives tested, observations and description of successful positive action or statement of problem, and any recommendations for suggested action or improvement to Area Contingency Plans, marine facilities and vessel plans, response contractors, federal agencies, state agencies, local agencies, training or exercise programs. The USCG/OSPR Lessons Learned Reporting Form (ACP LL Rev. 2/98), or a form that includes the same information, may be used to gather this information.
 - (9) for all tabletop exercises:
 - (A) information including, but not limited to, the following: date of exercise, exercise or actual response; location; time started/time completed; the response plan scenario used; size of spill; evaluation of the spill management team's knowledge of the oil spill response plan; determination of proper notifications; evaluation of the communications system; ability to access contracted oil spill removal organizations; ability to coordinate spill response with On-Scene Coordinator, state and applicable agencies; and ability to access sensitive site and resource information in the Area Contingency Plan if referenced. The Spill Management Team/Tabletop Exercise Report (FG OSPR 1966, 5/7/97) or a form that includes the same information, may be used to gather this information.

(10) for all equipment deployment exercises:

(A) information including, but not limited to, the following: date; identity of marine facility/vessel; location(s); time started/completed; equipment ownership; a list of type and amount of all equipment deployed and number of support personnel employed; description of the exercise goals and a list of any Area Contingency Plan strategies tested, with a sketch of equipment deployments and booming strategies; if marine facility-owned equipment, was at least the amount of equipment deployed necessary to respond to the average most probable spill; was equipment deployed in its intended operating environment; was a representative sample of OSRO-owned equipment deployed; was the OSRO-owned equipment deployed in its intended operating environment; description of the marine facility's comprehensive training and equipment maintenance programs; did personnel responsible for equipment deployment actually deploy the equipment; and was deployed equipment operational. The Equipment Deployment Evaluation Form (FG OSPR 1965, 2/20/97), or a form that includes the same information, may be used to gather this information.

(e) The Administrator shall issue a report within 90 days to the owner/operator for any exercise attended by OSPR personnel, which evaluates the adequacy of the exercise scenario to test elements of the plan and its implementation, and the response of the participants. Any inadequacies noted in the Administrator's report must be addressed in writing by the owner/operator within 60 days of the receipt of the Administrator's report. The owner/operator's response shall outline remedies to the noted inadequacies including, but not limited to, any necessary changes to the plan, any changes in contracted or owned response resources, changes in or additions to training, and/or the need for additional drills or exercises. The owner/operator's response shall include a schedule for implementing the remedies.

(f) Protective Response Strategies For Environmentally Sensitive Sites

(1) Owner/operators are required to exercise protective response strategies for all ACP-listed environmentally sensitive sites within the area identified as impacted in their Off-site/Environmental Consequence Analysis for their reasonable worst case spill. Owner/operators are required to submit a schedule, within 60 days of the effective date of this subchapter, for exercising the protective response strategies. Owner/operators are required to demonstrate to the Administrator that these areas have been tested, either with owner/operator owned equipment or through an OSRO under contract with the owner/operator.

(A) Each schedule shall be approved or denied within 180 days after receipt by the Administrator.

(B) The Administrator shall determine whether each schedule adequately assures that the shoreline protection strategies for all environmentally sensitive sites identified as potentially impacted will be exercised. If it is determined that a schedule is inadequate, it will be returned to the submitter with a written explanation of deficiencies and, if practicable, suggested modifications or alternatives.

(C) Upon notification of a schedule's deficiencies, the submitter will have 90 days to submit a new or modified schedule. Such a re-submittal shall be treated as a new submittal and processed according to the provisions of this section.

(2) The Administrator may approve an overall schedule to exercise the protection strategies for an entire ACP area. Such a schedule may be submitted by the owner/operator or by an OSRO, individually or in some combination thereof, which covers the sensitive sites of the entire ACP area, or the sensitive sites identified in the owner/operator's off-site/environmental consequence analysis. A schedule to exercise the shoreline protection

strategies for an entire ACP area may be approved by the Administrator, even if the exercises are not able to be completed in the triennial cycle. If the deployment of the shoreline protection strategy is not possible at a site due to statutory, regulatory, or health and safety reasons, the owner/operator must identify these sites, describe the reasons the strategies are not deployable in an exercise situation and what measures will be taken to assure the shoreline protection strategy for the site will function in an emergency. The owner/operator may proposed representative sites, in lieu of the sensitive sites in a given area, as long as the Administrator is assured that all sensitive sites for that area are able to be protected.

(g) The Administrator may call a drill or exercise, or conduct an inspection, to validate all or part of a contingency plan. This drill, exercise, or inspection may be announced or unannounced.

(h) Substitution

(1) In-State Exercises

In substitution for the exercises required by Subsections 817.02(k)(1)(A) through (C), 817.02(k)(1)(B) and (C), 818.02(l)(1)(C) and (D), and 818.03(l)(1)(B), the Administrator may accept an exercise conducted by the marine facility or vessel, and called by an agency other than the OSPR, if all of the following conditions are met:

- (A) the exercise tests one or more of the following: the marine facility or vessel's spill management team and spill response organization; deployment of the facility or vessel's response equipment; or deployment of other response resources identified in the contingency plan; and
- (B) the exercise is conducted with the U. S. Coast Guard, or another local, state or federal agency and the OSPR has been invited with the minimum notification required in Section 820.01(b)(2); and,
- (C) the owner/operator has received prior approval for the exercise substitution from the Administrator, and,
- (D) the Administrator finds the exercise objectives and evaluation criteria equal to or exceeding those of the OSPR.

(2) Out-of-State Exercises

In substitution for the spill management team tabletop exercises, the Administrator may accept an exercise conducted by the vessel owner/operator outside of the State of California if the following conditions are met:

- (A) the OSPR has been invited with the minimum notification required in Section 820.01(b)(2); and,
- (B) the owner/operator has received prior approval for the exercise substitution from the Administrator; and,
- (C) the Administrator finds the exercise objectives and evaluation criteria equal to or exceeding those of the OSPR.
- (D) The only exercise that can be substituted under this provision is an exercise of the spill management team and a response management organization that is separate from the vessel operation itself.

(i) OSRO Exercises

An exercise of an OSRO's services may fulfill the equipment deployment exercise requirement of Section

817.02(k)(3) for any marine facility, or Section 818.02(l)(1)(D) for any vessel, that utilizes the OSRO's plan to fulfill the response requirements of the facility's or vessel's own plan. These exercises will not fulfill the semi-annual equipment deployment exercise requirement of marine facility-owned equipment pursuant to Section 817.02(k)(1)(B).

(j) Unannounced Exercises

An unannounced exercise may be used to satisfy the exercise requirements of this subsection under the following conditions:

- (1) The owner/operator shall submit a written request to the administrator within 90 days after the unannounced exercise is conducted asking that the exercise be considered in substitution for one or more of the required exercises, and;
- (2) the exercise tests one or more of the following: 1) the marine facility's or vessel's spill management team and spill response organization, 2) deployment of the facility's or vessel's response equipment, or 3) deployment of other response resources identified in the facility's or vessel's plan; and;
- (3) for Internal Unannounced Exercises, the owner/operator shall comply with all requirements of Subsections 820.01 (b) through (e); or
- (4) for External Unannounced Exercises, the owner/operator shall comply with all the requirements of Subsections 820.01(c) through (e).

(k) Actual Spill

- (1) Actions taken in response to an actual spill may be considered for exercise credit upon request of the owner/operator if all of the following conditions are met:

- (A) the OSPR receives the documentation, as appropriate, outlined in Section 820.01(d); and,
- (B) the OSPR receives documentation of State OES oil spill notification, and the owner/operator provides all the information required on the OSPR Notification Form (FG OSPR Form 1964); and,
- (C) activation of the spill management team is successfully accomplished; and,
- (D) OSPR or another regulatory agency responds to the spill. A written response/evaluation by the owner/operator may be accepted by OSPR in lieu of an agency report if an agency report is not prepared; and,
- (E) the response was carried out in accordance with an approved contingency plan, the appropriate Area Contingency Plan, and/or in accordance with the directions of the Administrator or Federal On-Scene Coordinator; and
- (F) the OSPR receives a report from the Responsible Party as to cause of the spill, and procedures or other measures adopted to prevent a similar reoccurrence.

Note: Authority cited: Sections 8670.10 and 8670.28, Government Code. Reference: Sections 8670.7, 8670.10, 8670.28, 8670.29 and 8670.30, Government Code.

